



# *The Journal* OF THE *House of Representatives*

Number 26

Tuesday, February 20, 2018

The House was called to order by the Speaker at 1:32 p.m.

## Prayer

The following prayer was offered by the Reverend Randy Ray of North Florida Baptist Church of Tallahassee, upon invitation of the Speaker.

Heavenly Father, today we ask Your blessing on this House and those who make our laws. Lead and guide our Governor and Cabinet and those at the other end of the hall in our Senate. We pray for our neighbors in Parkland, Florida, who continue in the pain of loss. Comfort the mothers and fathers, siblings and classmates of each victim, and the whole of the community in mourning. May we not forget these fourteen teenagers and three adults, and may their passing make us better at caring for one another and more vigilant in a world that's lost its way.

Thank You, Lord, for the men and women of the Thin Blue Line for their service and sacrifice. Protect them today, and encourage them by Your presence and words of appreciation from the citizens they serve. For all who run to the crisis when we're running away, we offer our thanks. And now for this House meeting today, to decide how our state will be better in coming days than it's ever been, we ask for guidance, wisdom, patience, and harmony. May their debate lead to better solutions and their solution be for the good of our citizens. May the peace of God which passes all understanding keep our hearts and minds, through Christ Jesus we pray. Amen.

The following members were recorded present:

Session Vote Sequence: 630

Speaker Corcoran in the Chair.

Yeas—110

Ahern	Cortes, B.	Good	Lee
Albritton	Cortes, J.	Goodson	Leek
Alexander	Cruz	Grall	Magar
Antone	Daniels	Grant, J.	Mariano
Asencio	Davis	Grant, M.	Massullo
Ausley	Diamond	Gruters	McClain
Avila	Diaz, M.	Hager	McClure
Berman	Donalds	Hardemon	McGhee
Beshears	Drake	Harrell	Mercado
Bileca	DuBose	Harrison	Metz
Boyd	Duran	Henry	Miller, M.
Brodeur	Eagle	Ingoglia	Newton
Brown	Edwards-Walpole	Ingram	Nuñez
Burgess	Fant	Jacobs	Oliva
Burton	Fine	Jenne	Olszewski
Byrd	Fischer	Jones	Payne
Caldwell	Fitzenhagen	Killebrew	Perez
Clemons	Geller	La Rosa	Peters
Corcoran	Gonzalez	Latvala	Pigman

Plakon	Rodrigues	Sprowls	Watson, B.
Plasencia	Rommel	Stafford	Watson, C.
Ponder	Roth	Stark	White
Porter	Russell	Stevenson	Willhite
Pritchett	Santiago	Stone	Williams
Raburn	Shaw	Sullivan	Williamson
Raschein	Slosberg	Toledo	Yarborough
Renner	Smith	Trujillo	
Richardson	Spano	Trumbull	

Nays—None

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Evana Arvanitis of Miami at the invitation of Rep. Oliva; Joana Arvanitis of Miami at the invitation of Rep. Oliva; Whitney M. Bouk of Gulf Breeze at the invitation of Rep. White; Brighton C. Burkhart of Fernandina Beach at the invitation of Rep. Byrd; Damon J. Donalds of Naples at the invitation of Rep. Rommel; Harrison C. Green of Tallahassee at the invitation of Rep. Beshears; Emma K. Hartley of Tallahassee at the invitation of Rep. Beshears; Taylor-Reese V. Howell of Marianna at the invitation of Rep. Drake; and Jackson T. Klein of Boca Raton at the invitation of Rep. Berman.

## National Anthem

The Speaker introduced the Bethune-Cookman Concert Chorale, who sang "The Star-Spangled Banner" from the gallery at the invitation of Rep. Henry.

## Corrections of the *Journal*

The *Journal* of February 14, 2018, was corrected and approved as follows: On page 582, column 1, line 1 from the bottom, delete said line and insert in lieu thereof: "members voting and was certified to the Senate."

The *Journals* of February 15, February 16, and February 19 were corrected and approved as corrected.

## Reports of Standing Committees and Subcommittees

### Reports of the Rules & Policy Committee

*The Honorable Richard Corcoran*  
*Speaker, House of Representatives*

February 15, 2018

*Dear Mr. Speaker:*

Your Rules & Policy Committee herewith submits the Special Order for Tuesday, February 20, 2018. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 839 - Daniels, Ponder, Drake, Fant, Gruters, Massullo, Moraitis, Williams, Yarbrough  
The Display of the State Motto

HB 7051 - Agriculture & Natural Resources Appropriations Subcommittee, Albritton  
Trust Funds/Re-creation/Land Acquisition Trust Fund/DACS

HB 7043 - Natural Resources & Public Lands Subcommittee, Raschein, Fant, Fischer, Killebrew, Toledo  
State Assumption of Federal Section 404 Dredge and Fill Permitting Authority

CS/HB 703 - Government Accountability Committee, Burgess  
Water Management District Surplus Lands

CS/CS/CS/HB 705 - Government Accountability Committee, Oversight, Transparency & Administration Subcommittee, Natural Resources & Public Lands Subcommittee, Burgess  
Pub. Rec./Water Management District Surplus Lands

HB 1093 - Willhite  
Loxahatchee Groves Water Control District, Palm Beach County

HB 869 - Plasencia  
Ranger Drainage District, Orange County

HB 1089 - Rodrigues  
East Mulloch Drainage District, Lee County

CS/HB 1239 - Local, Federal & Veterans Affairs Subcommittee, Metz  
South Lake County Hospital District, Lake County

CS/CS/HB 735 - Health & Human Services Committee, Health Innovation Subcommittee, Harrell  
Mammography

HB 6057 - Fischer, McGhee  
Office of Public and Professional Guardians Direct-Support Organization

SB 498 - Garcia  
Office of Public and Professional Guardians Direct-support Organization

HB 573 - Daniels, Pigman, Gruters, Massullo  
Involuntary Examinations Under the Baker Act

CS/HB 1055 - Oversight, Transparency & Administration Subcommittee, DuBose, McGhee  
Pub. Rec./Addiction Treatment Facility Personnel

CS/HR 157 - Health & Human Services Committee, Spano, Burgess, Cortes, B., Killebrew, Moraitis, Ponder, Stone, Sullivan, White, Yarbrough  
Public Health Risk Created by Pornography

CS/HB 1071 - Local, Federal & Veterans Affairs Subcommittee, Ahern  
City of Clearwater, Pinellas County

CS/CS/HB 1137 - Government Accountability Committee, Careers & Competition Subcommittee, Peters, Ahern

Pinellas County Construction Licensing Board, Pinellas County

HB 7053 - Oversight, Transparency & Administration Subcommittee, McClure  
Public Records/United States Census Bureau

HB 1139 - Cruz, Harrison, Asencio, Jenne, Smith, Willhite  
City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County

CS/HB 1141 - Local, Federal & Veterans Affairs Subcommittee, White  
Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County

CS/CS/HB 1127 - Government Accountability Committee, Oversight, Transparency & Administration Subcommittee, Lee  
Pub. Rec. and Meetings/Citizens Property Insurance Corporation

CS/CS/HB 1081 - Commerce Committee, Energy & Utilities Subcommittee, Perez  
Essential Electric Utility Service

CS/HB 1267 - Energy & Utilities Subcommittee, Killebrew, White  
Telephone Solicitation

HB 7081 - Government Accountability Committee, Williamson  
Pub. Rec./Lottery

CS/CS/HB 243 - Government Accountability Committee, Transportation & Infrastructure Subcommittee, Avila, Perez, Diaz, M.  
Discretionary Sales Surtax

CS/CS/HB 459 - Government Accountability Committee, Oversight, Transparency & Administration Subcommittee, Massullo, Smith  
Public Records

CS/CS/HB 461 - Government Accountability Committee, Oversight, Transparency & Administration Subcommittee, Massullo  
Pub. Rec./Trade Secrets Held by an Agency

CS/HB 935 - Commerce Committee, Nuñez  
Mortgage Lending

HB 953 - Harrison, Alexander, Edwards-Walpole, Fant, McGhee, Santiago, Stevenson, Toledo, White  
Consumer Report Security Freezes

CS/CS/HB 875 - Judiciary Committee, Civil Justice & Claims Subcommittee, Leek  
Limitations of Actions Other Than for the Recovery of Real Property

CS/HB 547 - Criminal Justice Subcommittee, Killebrew  
Reports Concerning Seized or Forfeited Property

HB 639 - Perez  
Equitable Distribution of Marital Assets and Liabilities

CS/CS/HB 1217 - Judiciary Committee, Civil Justice & Claims Subcommittee, Metz, Pigman, Willhite  
Deployed Parent Custody and Visitation

CS/HB 7071 - Justice Appropriations Subcommittee, Judiciary Committee, Sprowls, Spano  
Criminal Justice Data Transparency

CS/CS/CS/HB 1279 - Education Committee, PreK-12 Appropriations Subcommittee, PreK-12 Quality Subcommittee, Sullivan, Plasencia  
School District Accountability

CS/CS/HB 731 - Education Committee, PreK-12 Innovation Subcommittee, Sullivan, Altman  
Home Education

CS/HB 7069 - Appropriations Committee, Higher Education Appropriations Subcommittee, Ahern  
Trust Funds

CS/CS/HB 139 - Appropriations Committee, Government Accountability Committee, Henry, Leek, Abruzzo, Alexander, Berman, Caldwell, Davis, DuBose, Duran, Geller, Jenne, Jones, Mercado, Richardson, Russell, Slosberg, Smith, Stafford, Williams  
National Statuary Hall

SB 472 - Thurston, Book, Taddeo, Farmer, Rodriguez, Gibson, Torres, Campbell  
National Statuary Hall

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Jose Oliva*, Chair  
Rules & Policy Committee

On motion by Rep. Oliva, the above report was adopted.

## Motions Relating to Committee and Subcommittee References

Rep. McGhee moved that, pursuant to Rule 11.11, HB 219 be withdrawn from all committees of reference and re-referenced to the House floor immediately for questions, debate, and a vote, which was not agreed to by the required two-thirds vote.

The vote was:

Session Vote Sequence: 631

Speaker Corcoran in the Chair.

Yeas—36

Alexander	Diamond	Jenne	Shaw
Asencio	DuBose	Jones	Slosberg
Ausley	Duran	Lee	Smith
Berman	Edwards-Walpole	McGhee	Stafford
Brown	Geller	Mercado	Stark
Cortes, J.	Good	Newton	Watson, B.
Cruz	Hardemon	Pritchett	Watson, C.
Daniels	Henry	Richardson	Willhite
Davis	Jacobs	Russell	Williams

Nays—71

Ahern	Diaz, M.	Hager	McClure
Albritton	Donalds	Harrell	Metz
Avila	Eagle	Harrison	Miller, M.
Bileca	Fant	Ingoglia	Nuñez
Boyd	Fine	Ingram	Oliva
Brodeur	Fischer	Killebrew	Olszewski
Burgess	Fitzenhagen	La Rosa	Payne
Burton	Gonzalez	Latvala	Perez
Byrd	Goodson	Leek	Peters
Caldwell	Grall	Magar	Pigman
Clemons	Grant, J.	Mariano	Plakon
Corcoran	Grant, M.	Massullo	Plasencia
Cortes, B.	Gruters	McClain	Ponder

Porter  
Raburn  
Raschein  
Renner  
Rodriguez

Rommel  
Roth  
Santiago  
Spano  
Sprowls

Stevenson  
Stone  
Sullivan  
Toledo  
Trujillo

Trumbull  
White  
Williamson  
Yarborough

## Special Orders

### Motion

On motion by Rep. Oliva, the rules were waived and the House agreed to take up **CS/CS/HB 139**.

On motion by Rep. Henry, the House agreed to substitute SB 472 for CS/CS/HB 139 and read SB 472 the second time by title. Under Rule 5.17, the House bill was laid on the table.

**SB 472**—A bill to be entitled An act relating to the National Statuary Hall; requesting the Joint Committee on the Library of Congress to approve the replacement of the statue of Confederate General Edmund Kirby Smith in the National Statuary Hall Collection with a statue of Mary McLeod Bethune; providing for the transfer of ownership of the statue of General Edmund Kirby Smith to the state; requiring the Division of Cultural Affairs of the Department of State to take possession of the statue and make available for public display; providing that the act is an official request to the Joint Committee on the Library of Congress; requiring the Department of State to deliver copies of the act to certain persons on the act's effective date; providing an effective date.

—was read the second time by title. On motion by Rep. Henry, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 632

Speaker Corcoran in the Chair.

Yeas—111

Ahern	Drake	La Rosa	Renner
Albritton	DuBose	Latvala	Richardson
Alexander	Duran	Lee	Rodriguez
Antone	Eagle	Leek	Rommel
Asencio	Edwards-Walpole	Magar	Roth
Ausley	Fine	Mariano	Russell
Avila	Fischer	Massullo	Santiago
Berman	Fitzenhagen	McClain	Shaw
Beshears	Geller	McClure	Slosberg
Bileca	Gonzalez	McGhee	Smith
Boyd	Good	Mercado	Spano
Brodeur	Goodson	Metz	Sprowls
Brown	Grall	Miller, M.	Stafford
Burgess	Grant, J.	Newton	Stark
Burton	Grant, M.	Nuñez	Stevenson
Byrd	Gruters	Oliva	Stone
Caldwell	Hager	Olszewski	Sullivan
Clemons	Hardemon	Payne	Toledo
Corcoran	Harrell	Perez	Trujillo
Cortes, B.	Harrison	Peters	Trumbull
Cortes, J.	Henry	Pigman	Watson, B.
Cruz	Ingoglia	Plakon	Watson, C.
Cummings	Ingram	Plasencia	White
Daniels	Jacobs	Ponder	Willhite
Davis	Jacquet	Porter	Williams
Diamond	Jenne	Pritchett	Williamson
Diaz, M.	Jones	Raburn	Yarborough
Donalds	Killebrew	Raschein	

Nays—1

Fant

Votes after roll call:

Yeas—Silers

So the bill passed and was certified to the Senate.

**HB 839**—A bill to be entitled An act relating to the display of the state motto; amending s. 1003.44, F.S.; requiring each district school board to adopt rules for the display of the official state motto in specified places; providing an effective date.

—was read the second time by title.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 7051**—A bill to be entitled An act relating to trust funds; re-creating the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services without modification; amending s. 20.142, F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 7043**—A bill to be entitled An act relating to state assumption of federal section 404 dredge and fill permitting authority; creating s. 373.4146, F.S.; defining the term "state assumed waters"; providing the Department of Environmental Protection with the power and authority to adopt rules to assume and implement the section 404 dredge and fill permitting program pursuant to the federal Clean Water Act; specifying that certain rules, standards, or other requirements are not effective or enforceable until such assumption is approved; providing legislative intent; providing applicability of other state law regulating discharges; specifying the applicability of certain exemptions; specifying department authority upon assumption of the section 404 dredge and fill permitting program; specifying certain procedures for permit applications; exempting the department from certain permitting timeframe limitations upon such assumption; specifying the maximum dredge and fill permit period for activities in state assumed waters; specifying certain procedures for permit reissuance; requiring the department to adopt rules to create an expedited permit review process; specifying applicability of certain administrative procedures; authorizing the department to delegate certain activities; specifying that the department must retain the authority to review, modify, revoke, or rescind any permit authorizing activities in state assumed waters which is issued by a delegated entity; providing an effective date.

—was read the second time by title.

Representative Diamond offered the following:

(Amendment Bar Code: 188569)

**Amendment 1 (with title amendment)**—Remove lines 57-61 and insert: assumption application. The department shall submit its completed assumption application to the President of the Senate and the Speaker of the House of Representatives and the Legislature shall ratify the application before it is submitted to the United States Environmental Protection Agency.

#### TITLE AMENDMENT

Remove line 30 and insert:

a delegated entity; requiring the department to submit its completed application to assume administration of the federal program to the Legislature; requiring legislative ratification of the application; providing an effective date.

Rep. Diamond moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 703**—A bill to be entitled An act relating to water management district surplus lands; amending s. 373.089, F.S.; requiring a water management district to publish a notice of intention to sell surplus lands on its website; revising the circumstances when a water management district must publish the first notice of intention to sell surplus lands; revising the process for selling certain lower valued surplus lands; defining the term "adjacent property owners"; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/CS/HB 705**—A bill to be entitled An act relating to a public records; amending s. 373.089, F.S.; providing an exemption for valuations, certain records, and sales offers for sales related to surplus lands; authorizing disclosure of such records under certain circumstances; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1093**—A bill to be entitled An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; providing that the Loxahatchee Groves Water Control District, an independent special district, shall become a dependent district of the Town of Loxahatchee Groves; providing boundaries; providing that members of the town council shall assume the offices of the board of supervisors of said district; providing for dissolution of the Loxahatchee Groves Water Control District as an independent special district; requiring a referendum; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 869**—A bill to be entitled An act relating to Ranger Drainage District, Orange County; amending ch. 99-453, Laws of Florida, as amended; revising district boundaries; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1089**—A bill to be entitled An act relating to the East Mulloch Drainage District, Lee County; providing an exception to general law; creating the East Mulloch Water Control District as a dependent special district; providing that the charter of the district shall be subject to amendment or repeal by the county commission; providing the district charter; providing boundaries; providing powers; providing for the county commission to appoint the board of supervisors; providing for staggered terms; providing authority and duties of the board; providing for compensation; providing for assessments by the district; repealing chs. 63-930, 65-912, 83-443, 83-455, 84-464, 86-425, and 88-480, Laws of Florida; dissolving the East Mulloch Drainage District; transferring all assets and liabilities of the East Mulloch Drainage District to the East Mulloch Water Control District; providing that liabilities of the district are not liabilities of the county; providing construction; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 1239**—A bill to be entitled An act relating to the South Lake County Hospital District, Lake County; prohibiting the district from incurring certain additional obligations or indebtedness; requiring the district to wind down its affairs, liquidate its assets, and satisfy its obligations and indebtedness by a specified date; providing for disposition of certain taxes collected; repealing ch. 2001-290, Laws of Florida; dissolving the district on a specified date; transferring certain district responsibilities and assets and

liabilities to the Board of County Commissioners of Lake County; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 735**—A bill to be entitled An act relating to mammography; creating s. 381.933, F.S.; defining the terms "facility," "mammography," and "mammography report"; requiring facilities performing mammography to include certain information in a summary of the mammography report which must be provided to each patient; providing applicability; providing for future repeal; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 6057** was taken up. On motion by Rep. Fischer, the House agreed to substitute SB 498 for HB 6057 and read SB 498 the second time by title. Under Rule 5.17, the House bill was laid on the table.

**SB 498**—A bill to be entitled An act relating to the Office of Public and Professional Guardians direct-support organization; amending s. 744.2105, F.S.; abrogating the scheduled repeal of provisions governing a direct-support organization established under the Office of Public and Professional Guardians within the Department of Elderly Affairs; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 573**—A bill to be entitled An act relating to involuntary examinations under the Baker Act; amending s. 394.455, F.S.; defining terms; amending s. 394.463, F.S.; authorizing physician assistants and advanced registered nurse practitioners to execute a certificate under certain conditions stating that they have examined a person and find the person appears to meet the criteria for involuntary examination; amending ss. 39.407, 394.495, 394.496, 394.9085, 409.972, and 744.2007, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 1055**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility, and the spouses and children thereof; providing a definition; providing for future legislative review and repeal of the exemption; requiring such personnel to submit a specified written request to a custodial agency to maintain the exempt status of such information in certain circumstances; providing for retroactive application; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HR 157**—A resolution recognizing the public health risk created by pornography.

WHEREAS, pornography is creating a public health risk and contributing to the hypersexualization of children and teens, and

WHEREAS, efforts to prevent exposure to pornography, to educate individuals and families concerning pornography's potential harmful effects, and to develop pornography recovery programs should be systematic, and

WHEREAS, due to advances in technology and the widespread availability of the Internet, children are exposed to pornography at an alarming rate and it can serve as their main source of education regarding human sexuality, and

WHEREAS, twenty-seven percent of young adults between the ages of 25 and 30 report that they first viewed pornography before the onset of puberty, and

WHEREAS, pornography depicts children and young people in a hypersexualized manner and a child who views such images is at a higher risk of developing low self-esteem, an eating disorder, and a desire to engage in dangerous sexual behavior, and

WHEREAS, pornography objectifies women, normalizes violence and the abuse of women and children, depicts rape and abuse as harmless, and is related to the increased demand for sex trafficking, prostitution, and child pornography, and

WHEREAS, pornography has potential detrimental effects on the user and research has found correlations between pornography use and mental and physical illnesses; difficulty forming or maintaining intimate relationships; unhealthy brain development and cognitive function; deviant, problematic, or dangerous sexual behaviors, and

WHEREAS, recent research indicates that one can develop a compulsive disorder in which excessive amounts of pornography are consumed, resulting in the user consuming increasingly more shocking material or withdrawing from daily life functions to satisfy the compulsion, and

WHEREAS, pornography can have a detrimental effect on families, including a reluctance to enter into marriage, dissatisfaction in marriage, and marital infidelity, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the State of Florida recognizes the public health risk created by pornography and acknowledges the need for education, prevention, research, and policy change to protect the citizens of this state.

—was read the second time by title. On motion by Rep. Spano, the resolution was adopted.

**CS/HB 1071**—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; amending ch. 11050, Laws of Florida (1925), as amended; removing a restriction against carnivals and shows on certain lands conveyed from the state to the city; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 1137**—A bill to be entitled An act relating to the Pinellas County Construction Licensing Board; amending ch. 75-489, Laws of Florida, as amended; revising the composition of the Pinellas County Construction Licensing Board; revising the terms of the board members; providing for termination of members; providing for the election and terms of a chair and vice chair; providing that board staff are employees of Pinellas County; providing that the board is a dependent agency of the Board of County Commissioners of Pinellas County; authorizing the board of county commissioners to adopt rules; requiring the board to provide an annual report on finances and administrative activities; subjecting the board to periodic audits; requiring members of the board to file financial disclosure statements; specifying the board is eligible for state funding to support its operations during transition to the county; providing for dissolution of board upon approval at referendum; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 7053**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for specified United States Census Bureau address information held by an agency; providing an exception to the exemption; authorizing access to other related confidential or exempt information; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1139**—A bill to be entitled An act relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to increase the amount of pension received by a widow or widower should a member lose his or her life or later die from injuries or causes occurring while in the discharge of duties; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing for severability; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 1141**—A bill to be entitled An act relating to the Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County; amending ch. 21483, Laws of Florida (1941), as amended; creating a defined contribution plan as required by general law; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 1127**—A bill to be entitled An act relating to public records and public meetings; creating s. 627.352, F.S.; providing an exemption from public records requirements for certain records held by the Citizens Property Insurance Corporation which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents; creating an exemption from public records requirements for certain portions of risk assessments, evaluations, audits, and other reports of the corporation's information technology security program; creating an exemption from public meetings requirements for portions of public meetings which would reveal such data and information; providing an exemption from public records requirements for a specified period for the recording and transcript of a closed meeting; authorizing disclosure of confidential and exempt information to certain agencies and officers; providing for future legislative review and repeal; providing a statement of public necessity; providing retroactive application; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 1081**—A bill to be entitled An act relating to essential electric utility service; amending s. 252.38, F.S.; establishing a required element for each emergency management plan developed by a county or counties to identify certain facilities deemed critical for restoration of electric services; amending s. 252.373, F.S.; correcting a cross-reference; amending s. 366.11, F.S.; specifying that certain utilities are not exempt from providing medically essential electric service; amending s. 366.15, F.S.; revising and defining terms; providing notification requirements for electric utilities relating to the certification process for obtaining medically essential electric service and service disconnection; providing certification requirements for customers; specifying duties for electric utilities providing such service; revising penalties for falsification of such certification; creating s. 456.45, F.S.; requiring certain health care practitioners to inform certain patients of such certification process; requiring such practitioners to complete certain medical certifications and document such certification; providing an effective date.

—was read the second time by title.

Representative Perez offered the following:

(Amendment Bar Code: 971157)

**Amendment 1**—Remove line 60 and insert:

arrangement, the county or counties, in consultation with each utility that provides retail electricity service within the boundaries of the county, must identify those

Rep. Perez moved the adoption of the amendment, which was adopted.

Representative Perez offered the following:

(Amendment Bar Code: 253173)

**Amendment 2 (with title amendment)**—Remove lines 93-288 and insert: Section 3. Effective January 1, 2019, subsection (1) of section 366.11, Florida Statutes, is amended to read:

366.11 Certain exemptions.—

(1) No provision of this chapter shall apply in any manner, other than as specified in ss. 366.04, 366.05(7) and (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-366.83, and 366.91, to utilities owned and operated by municipalities, whether within or without any municipality, or by cooperatives organized and existing under the Rural Electric Cooperative Law of the state, or to the sale of electricity, manufactured gas, or natural gas at wholesale by any public utility to, and the purchase by, any municipality or cooperative under and pursuant to any contracts now in effect or which may be entered into in the future, when such municipality or cooperative is engaged in the sale and distribution of electricity or manufactured or natural gas, or to the rates provided for in such contracts.

Section 4. Effective January 1, 2019, section 366.15, Florida Statutes, is amended to read:

366.15 Medically essential electric ~~public~~ utility service.—

(1) As used in this section, the term:

(a) "Health care practitioner" means a physician or physician assistant licensed under chapter 458 or chapter 459 or an advanced registered nurse practitioner licensed under chapter 464.

(b) "Medically essential" means the medical dependence on electric-powered equipment that must be operated continuously or as circumstances require as specified by a health care practitioner ~~physician~~ to avoid the loss of life or immediate hospitalization of the customer or another permanent resident at the residential service address.

(2) Each ~~electric public~~ utility shall designate employees who are authorized to direct an ordered continuation or restoration of medically essential electric service. An electric ~~A public~~ utility shall not impose upon any customer any additional deposit to continue or restore medically essential electric service.

(3)(a) Each ~~electric public~~ utility shall post on its website a written explanation of the certification process for obtaining medically essential electric service. The website must include the standard certification form adopted by the utility pursuant to paragraph (b). Each electric utility shall ~~annually~~ provide a written explanation of the certification process ~~for medically essential electric service to each residential utility customer;~~

1. When the customer opens an account for electric service with the electric utility; and

2. At least semiannually, either by means of a written bill insert or, if the customer has provided contact information to receive electronic communications from the electric utility, by electronic means.

(b) Each electric utility shall adopt a standard certification form to be completed and signed by each residential customer who wishes to have his or her service certified as medically essential. The certification form must include: the customer's service address; the customer's name and the account number for the service address; the name of the permanent resident at the service address who is medically dependent on electric-powered equipment and the name of that person's certifying health care practitioner; and the customer's contact information for purposes of receiving communications from the utility by telephone and, if available, by electronic means. The certification form shall include a separate section to be completed and signed by a health care practitioner to certify that electric service is medically essential for the customer or other permanent resident at that service address. This section of the certification form must include: the name, business address,

and medical license number of the certifying health care practitioner; a statement by the health care practitioner, in medical and nonmedical terms, that specifies why the electric service is medically essential, as defined in subsection (1); and a specification of the time period for which service is expected to remain medically essential.

(c) Certification ~~that of~~ a customer's electricity needs ~~are as~~ medically essential requires the customer ~~to complete forms supplied by the public utility and to submit to the utility a completed standard certification form which includes the health care practitioner's certification a form completed by a physician licensed in this state pursuant to chapter 458 or chapter 459 which states in medical and nonmedical terms why the electric service is medically essential. The certification may not extend beyond 60 months. Falsification of the False certification of medically essential service by a physician is a violation of s. 458.331(1)(h), or s. 459.015(1)(i), or s. 464.018(1)(f).~~

(d) ~~(b)~~ Medically essential service ~~must shall~~ be recertified ~~at the expiration of the time period specified in the certification or once every 12 months after certification, whichever is later. The electric public utility shall send the certified customer by regular mail, or by e-mail if the customer has provided the utility his or her e-mail address, a package of recertification materials, including recertification forms, at least 60 30 days prior to the expiration of the customer's certification. The materials shall advise the certified customer that he or she must complete and submit the recertification forms within 30 days after the expiration of the customer's existing certification. If the recertification forms are not received within this 30-day period, the electric public utility may terminate the customer's certification. No more often than once every 12 months during the term of the certification, the electric utility may request verification from the customer that the person for whom electric service is certified continues to reside at the service address.~~

(4) Each electric public utility ~~must shall~~ certify a customer's electric service as medically essential if the customer completes the requirements of subsection (3).

(5) Notwithstanding any other provision of this section, ~~an electric a public~~ utility may disconnect service to a residence whenever an emergency may threaten the health or safety of a person, the surrounding area, or the electric public utility's distribution system. The electric public utility shall act promptly to restore service as soon as feasible.

(6) A customer whose electric service is certified as medically essential under this section is entitled, at a minimum, to the same time period for payment of bills that applies to all other residential customers served by the electric utility but no fewer than 20 days after the date the bill is mailed or delivered by the utility. If payment or a satisfactory payment arrangement has not been made within the specified time period, the electric utility may schedule disconnection of service for nonpayment of the bill. Before a scheduled disconnection of service for nonpayment of a bill, the electric utility shall provide, in addition to any notice provided in the utility's normal course of business, the following notice to a customer whose electric service is certified as medically essential under this section:

(a) ~~No later than 15 days, and again no later than 7 days, prior 24 hours before any scheduled disconnection of service for nonpayment of bills to a customer who requires medically essential service, the electric a public utility shall attempt to contact the customer by telephone in order to provide notice of the scheduled disconnection and shall provide such notice in writing, including by electronic means if the customer has provided contact information to receive electronic communications from the utility.~~

(b) ~~If the customer does not have a telephone number listed on the account or if the electric public utility cannot reach the customer or other adult resident of the premises by telephone by the specified time, the electric public utility shall send a representative to the customer's residence to attempt to contact the customer, no later than 2 4 p.m. of the business days day before the scheduled disconnection. If contact is not made, however, the electric public utility must may leave written notification at the residence advising the customer of the scheduled disconnection and shall provide such notice by electronic means if the customer has provided contact information to receive electronic communications from the utility.~~

Thereafter, the electric public utility may disconnect service on the scheduled disconnection specified date if payment to the electric utility or a satisfactory payment arrangement with the electric utility has not been made.

(7) Each electric public utility customer who requires medically essential service is responsible for making satisfactory arrangements with the electric public utility to ensure payment for such service, and such arrangements must be consistent with the requirements of the utility's tariff.

(8) Each electric public utility customer who requires medically essential service is solely responsible for any backup equipment or power supply and a planned course of action in the event of a power outage or interruption of service.

(9) Each electric public utility that provides electric service to any customer whose electric service is certified as medically essential pursuant to this section who requires medically essential service shall call, contact, or otherwise advise such customer of scheduled service interruptions.

(10)(a) Each electric public utility shall provide information on sources of state or local agency funding which may provide financial assistance to the public utility's customers who require medically essential service and who notify the public utility of their need for financial assistance.

(b)1. Each electric public utility that operates a program to receive voluntary financial contributions from the public utility's customers to provide assistance to persons who are unable to pay for the public utility's services shall maintain a list of all agencies to which the public utility distributes such funds for such purposes and shall make the list available to any such person who requests the list.

2. Each public utility that operates such a program shall:

a. Maintain a system of accounting for the specific amounts distributed to each such agency, and the public utility and such agencies shall maintain a system of accounting for the specific amounts distributed to persons under such respective programs.

b. Train its customer service representatives to assist any person who possesses a medically essential certification as provided in this section in identifying such agencies and programs.

(11) Nothing in this act shall form the basis for any cause of action against an electric a public utility. Failure to comply with any obligation created by this act does not constitute evidence of negligence on the part of the electric public utility.

Section 5. Effective January 1, 2019, section 456.45, Florida Statutes, is created to

#### TITLE AMENDMENT

Remove line 23 and insert:  
such certification; providing effective dates.

Rep. Perez moved the adoption of the amendment.

Representative Perez offered the following:

(Amendment Bar Code: 601493)

**Substitute Amendment 2 (with title amendment)**—Remove lines 93-310 and insert:

Section 3. Effective January 1, 2019, subsection (1) of section 366.11, Florida Statutes, is amended to read:

366.11 Certain exemptions.—

(1) No provision of this chapter shall apply in any manner, other than as specified in ss. 366.04, 366.05(7) and (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.15, 366.80-366.83, and 366.91, to utilities owned and operated by municipalities, whether within or without any municipality, or by cooperatives organized and existing under the Rural Electric Cooperative Law of the state, or to the sale of electricity, manufactured gas, or natural gas at wholesale by any public utility to, and the purchase by, any municipality or cooperative under and pursuant to any contracts now in effect or which may be entered into in the future, when such municipality or cooperative is engaged in

the sale and distribution of electricity or manufactured or natural gas, or to the rates provided for in such contracts.

Section 4. Effective January 1, 2019, section 366.15, Florida Statutes, is amended to read:

366.15 Medically essential electric ~~public~~ utility service.—

(1) As used in this section, the term:

(a) "Health care practitioner" means a physician or physician assistant licensed under chapter 458 or chapter 459 or an advanced registered nurse practitioner licensed under chapter 464.

(b) "Medically essential" means the medical dependence on electric-powered equipment that must be operated continuously or as circumstances require as specified by a health care practitioner ~~physician~~ to avoid the loss of life or immediate hospitalization of the customer or another permanent resident at the residential service address.

(2) Each electric ~~public~~ utility shall designate employees who are authorized to direct an ordered continuation or restoration of medically essential electric service. ~~An electric A-public~~ utility shall not impose upon any customer any additional deposit to continue or restore medically essential electric service.

(3)(a) Each electric ~~public~~ utility shall post on its website a written explanation of the certification process for obtaining medically essential electric service. The website must include the standard certification form adopted by the utility pursuant to paragraph (b). Each electric utility shall ~~annually~~ provide a written explanation of the certification process for medically essential electric service to each residential utility customer:

1. When the customer opens an account for electric service with the electric utility; and

2. At least semiannually, either by means of a written bill insert or, if the customer has provided contact information to receive electronic communications from the electric utility, by electronic means.

(b) Each electric utility shall adopt a standard certification form to be completed and signed by each residential customer who wishes to have his or her service certified as medically essential. The certification form must include: the customer's service address; the customer's name and the account number for the service address; the name of the permanent resident at the service address who is medically dependent on electric-powered equipment and the name of that person's certifying health care practitioner; and the customer's contact information for purposes of receiving communications from the utility by telephone and, if available, by electronic means. The certification form shall include a separate section to be completed and signed by a health care practitioner to certify that electric service is medically essential for the customer or other permanent resident at that service address. This section of the certification form must include: the name, business address, and medical license number of the certifying health care practitioner; a statement by the health care practitioner, in medical and nonmedical terms, that specifies why the electric service is medically essential, as defined in subsection (1); and a specification of the time period for which service is expected to remain medically essential.

(c) Certification ~~that~~ of a customer's electricity needs are ~~as~~ medically essential requires the customer to complete forms supplied by the public utility and to submit to the utility a completed standard certification form which includes the health care practitioner's certification ~~a form completed by a physician licensed in this state pursuant to chapter 458 or chapter 459 which states in medical and nonmedical terms why the electric service is medically essential.~~ The certification may not extend beyond 60 months. Falsification of the False certification of medically essential service by a physician is a violation of s. 458.331(1)(h), or s. 459.015(1)(i), or s. 464.018(1)(f).

(d)(b) Medically essential service ~~must~~ be recertified at the expiration of the time period specified in the certification or ~~once every~~ 12 months after certification, whichever is later. The electric ~~public~~ utility shall send the ~~certified~~ customer by regular mail, or by e-mail if the customer has provided the utility his or her e-mail address, a package of recertification materials, including recertification forms, at least ~~60~~ 30 days prior to the expiration of the customer's certification. The materials shall advise the ~~certified~~ customer that he or she must complete and submit the recertification forms within 30 days after the expiration of ~~the~~ customer's existing certification. If the

recertification forms are not received within this 30-day period, the electric ~~public~~ utility may terminate the customer's certification. No more often than once every 12 months during the term of the certification, the electric utility may request verification from the customer that the person for whom electric service is certified continues to reside at the service address.

(4) Each electric ~~public~~ utility must ~~shall~~ certify a customer's electric service as medically essential if the customer completes the requirements of subsection (3).

(5) Notwithstanding any other provision of this section, ~~an electric a-public~~ utility may disconnect service to a residence whenever an emergency may threaten the health or safety of a person, the surrounding area, or the electric ~~public~~ utility's distribution system. The electric ~~public~~ utility shall act promptly to restore service as soon as feasible.

(6) A customer whose electric service is certified as medically essential under this section is entitled, at a minimum, to the same time period for payment of bills that applies to all other residential customers served by the electric utility but no fewer than 20 days after the date the bill is mailed or delivered by the utility. If payment or a satisfactory payment arrangement has not been made within the specified time period, the electric utility may schedule disconnection of service for nonpayment of the bill. Before a scheduled disconnection of service for nonpayment of a bill, the electric utility shall provide, in addition to any notice provided in the utility's normal course of business, the following notice to a customer whose electric service is certified as medically essential under this section:

(a) No later than 15 days, and again no later than 7 days, prior 24 hours before any scheduled disconnection of service for nonpayment of bills to a customer who requires medically essential service, the electric a-public utility shall attempt to contact the customer by telephone in order to provide notice of the scheduled disconnection and shall provide such notice in writing, including by electronic means if the customer has provided contact information to receive electronic communications from the utility.

(b) If the customer does not have a telephone number listed on the account or if the electric public utility cannot reach the customer or other adult resident of the premises by telephone by the specified time, the electric public utility shall send a representative to the customer's residence to attempt to contact the customer, no later than 2 4 p.m. of the business days day before the scheduled disconnection. If contact is not made, however, the electric public utility must may leave written notification at the residence advising the customer of the scheduled disconnection and shall provide such notice by electronic means if the customer has provided contact information to receive electronic communications from the utility.

Thereafter, the electric ~~public~~ utility may disconnect service on the scheduled disconnection specified date if payment to the electric utility or a satisfactory payment arrangement with the electric utility has not been made.

(7) Each electric ~~public~~ utility customer who requires medically essential service is responsible for making satisfactory arrangements with the electric ~~public~~ utility to ensure payment for such service, and such arrangements must be consistent with the requirements of the utility's tariff.

(8) Each electric ~~public~~ utility customer who requires medically essential service is solely responsible for any backup equipment or power supply and a planned course of action in the event of a power outage or interruption of service.

(9) Each electric ~~public~~ utility that provides electric service to any customer whose electric service is certified as medically essential pursuant to this section ~~who requires medically essential service~~ shall call, contact, or otherwise advise such customer of scheduled service interruptions.

(10)(a) Each electric ~~public~~ utility shall provide information on sources of state or local agency funding which may provide financial assistance to the ~~public~~ utility's customers who require medically essential service and who notify the ~~public~~ utility of their need for financial assistance.

(b)1. Each electric ~~public~~ utility that operates a program to receive voluntary financial contributions from the ~~public~~ utility's customers to provide assistance to persons who are unable to pay for the ~~public~~ utility's services shall maintain a list of all agencies to which the ~~public~~ utility



distributes such funds for such purposes and shall make the list available to any such person who requests the list.

2. Each public utility that operates such a program shall:

a. Maintain a system of accounting for the specific amounts distributed to each such agency, and the ~~public~~ utility and such agencies shall maintain a system of accounting for the specific amounts distributed to persons under such respective programs.

b. Train its customer service representatives to assist any person who possesses a medically essential certification as provided in this section in identifying such agencies and programs.

(11) Nothing in this act shall form the basis for any cause of action against an electric ~~a public~~ utility. Failure to comply with any obligation created by this act does not constitute evidence of negligence on the part of the ~~electric public~~ utility.

Section 5. Effective January 1, 2019, section 456.45, Florida Statutes, is created to read:

456.45 Certification of medically essential electric service.—

(1) As used in this section, the term "health care practitioner" means a physician or physician assistant licensed under chapter 458 or chapter 459 or an advanced registered nurse practitioner licensed under chapter 464.

(2) A health care practitioner who determines that a patient may be at risk of loss of life or immediate hospitalization if the patient were to lose electric service at the patient's residential service address shall inform the patient of the right to obtain certification under the medically essential electric service program provided by the patient's electric utility pursuant to s. 366.15, and provide the patient a written copy of the law.

(3) Upon the request of such a patient, the health care practitioner must provide the patient a completed medical certification using the standard form adopted by the patient's electric utility and made available on the utility's website pursuant to s. 366.15(3) and must document the certification in the patient's record.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

#### TITLE AMENDMENT

Remove line 23 and insert:  
such certification; providing effective dates.

Rep. Perez moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

REPRESENTATIVE BOYD IN THE CHAIR

**CS/HB 1267**—A bill to be entitled An act relating to telephone solicitation; creating s. 365.176, F.S.; providing a short title; defining terms; authorizing telecommunication providers to block certain calls; prohibiting the blocking of certain calls; authorizing telecommunication providers to rely upon caller identification service information to determine originating numbers for the purpose of blocking such calls; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 7081**—A bill to be entitled An act relating to public records; transferring, renumbering, and amending ss. 24.105(12) and 24.118(4), F.S.; exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 243**—A bill to be entitled An act relating to discretionary sales surtax; amending s. 212.055, F.S.; requiring certain counties, after a specified date, to use surtax proceeds for purposes related to fixed guideway rapid transit systems and bus systems; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for refinancing existing bonds; authorizing municipalities in certain counties, after a specified date, to use surtax proceeds for certain purposes; prohibiting the use of such proceeds for certain purposes; requiring performance audits of certain counties or school districts holding a referendum related to local government discretionary sales surtax; requiring the Office of Program Policy Analysis and Government Accountability to hire public accountants to conduct such performance audits; specifying a time period within which the performance audit must be completed and made available; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Representative Avila offered the following:

(Amendment Bar Code: 870071)

**Amendment 1 (with title amendment)**—Remove lines 101-118 and insert:

2.a. Beginning October 1, 2022, and to the extent not prohibited by contracts or bond covenants in effect on October 1, 2022, each county as defined in s. 125.011(1) shall use proceeds of the surtax only for the following purposes:

(I) The planning, design, engineering, or construction of fixed guideway rapid transit systems and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

(II) The acquisition of rights-of-way for fixed guideway rapid transit systems and bus systems, including bus rapid transit systems, and for the development of dedicated facilities for autonomous vehicles as defined in s. 316.003.

(III) The purchase of buses or other capital costs for bus systems, including bus rapid transit systems.

(IV) The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems or bus systems.

(V) As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, or construction of fixed guideway rapid transit systems, bus rapid transit systems, or bus systems.

b. Effective October 1, 2022, each municipality in a county,

#### TITLE AMENDMENT

Remove line 6 and insert:

systems, bus systems, and development of dedicated facilities for autonomous vehicles; authorizing the use of surtax

Rep. Avila moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 459**—A bill to be entitled An act relating to public records; creating s. 119.07135, F.S.; providing that certain information related to agency contracts is not confidential or exempt from public records requirements; amending s. 24.105, F.S.; deleting provisions relating to exemptions from public records requirements for certain information held by the Department of the Lottery; amending s. 73.0155, F.S.; deleting provisions relating to public records exemptions for trade secrets held by governmental

condemning authorities; amending s. 119.071, F.S.; deleting a provision declaring that certain data processing software exempt from public records requirements is considered a trade secret; removing the scheduled repeal of the public record exemption; amending s. 119.0713, F.S.; deleting a provision exempting trade secrets held by local government agencies from public records requirements; amending s. 125.0104, F.S.; deleting a provision exempting trade secrets held by county tourism development agencies from public records requirements; amending s. 163.01, F.S.; deleting a provision exempting trade secrets held by public agencies that are electric utilities from public records requirements; amending s. 202.195, F.S.; deleting a provision exempting trade secrets obtained from a telecommunications company or franchised cable company for certain purposes from public records requirements; amending s. 215.4401, F.S.; deleting provisions relating to confidentiality of trade secrets held by the State Board of Administration; amending s. 252.88, F.S.; deleting provisions exempting certain information from public records requirements under the Florida Emergency Planning and Community Right-to-Know Act; repealing s. 252.943, F.S., relating to a public records exemption under the Florida Accidental Release Prevention and Risk Management Planning Act; amending s. 287.0943, F.S.; deleting provisions relating to confidentiality of certain information relating to applications for certification of minority business enterprises; amending s. 288.047, F.S.; deleting provisions exempting potential trade secrets from public records requirements; amending s. 288.075, F.S.; deleting provisions relating to a public records exemption for trade secrets held by economic development agencies; amending s. 288.1226, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Florida Tourism Industry Marketing Corporation; amending s. 288.776, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Florida Export Finance Corporation; amending s. 288.9520, F.S.; deleting provisions relating to a public records exemption for trade secrets and potential trade secrets held by Enterprise Florida, Inc., and related entities; amending s. 288.9607, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Florida Development Finance Corporation; amending s. 288.9626, F.S.; deleting provisions relating to a public records exemption for trade secrets and potential trade secrets held by the Florida Opportunity Fund; conforming provisions to changes made by the act; amending s. 288.9627, F.S.; deleting provisions relating to a public records exemption for trade secrets and potential trade secrets held by the Institute for Commercialization of Public Research; conforming provisions to changes made by the act; amending s. 331.326, F.S.; deleting provisions relating to a public records exemption for trade secrets held by Space Florida; amending s. 334.049, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Department of State; amending ss. 350.121 and 364.183, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Florida Public Service Commission; amending 365.174, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the E911 Board and the Technology Program within the Department of Management Services; amending ss. 366.093, 367.156, and 368.108, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Florida Public Service Commission; amending s. 377.24075, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Department of Environmental Protection; repealing s. 381.83, F.S., relating to confidentiality of certain information containing trade secrets obtained by the Department of Health; amending s. 395.3035, F.S.; deleting provisions relating to a public records exemption for trade secrets of hospitals; amending s. 403.7046, F.S.; revising provisions relating to an exemption for trade secrets contained in certain reports to the Department of Environmental Protection; repealing s. 403.73, F.S., relating to confidentiality of certain information containing trade secrets obtained by the Department of Environmental Protection; amending s. 408.061, F.S.; deleting a requirement that certain trade secret information submitted to the Agency for Healthcare Administration be clearly designated as such; amending s. 408.185, F.S.; deleting provisions relating to public records exemptions for certain trade secrets held by the Office of the Attorney General; amending s. 408.910, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Florida Health Choices Program; amending s. 409.91196, F.S.; deleting provisions relating to public

records exemptions for trade secrets held by the Agency for Healthcare Administration; amending s. 440.108, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Financial Services; amending s. 494.00125, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Office of Financial Regulation; amending s. 497.172, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Financial Services or the Board of Funeral, Cemetery, and Consumer Services; amending ss. 499.012, 499.0121, 499.05, and 499.051, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Business and Professional Regulation; repealing s. 499.931, F.S., relating to maintenance of information held by the Department of Business and Professional Regulation that is deemed to be a trade secret; amending s. 501.171, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Legal Affairs; repealing s. 502.222, F.S., relating to trade secrets of a dairy business held by the Department of Agriculture and Consumer Services; amending ss. 517.2015 and 520.9965, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Office of Financial Regulation; amending s. 526.311, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Agriculture and Consumer Services; amending s. 548.062, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Florida State Boxing Commission; amending s. 556.113, F.S.; deleting provisions relating to public records exemptions for trade secrets held by Sunshine State One-Call of Florida, Inc.; amending s. 559.5558, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Office of Financial Regulation; amending s. 559.9285, F.S.; revising provisions specifying that certain information provided to the Department of Agriculture and Consumer Services does not constitute a trade secret; amending s. 560.129, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Office of Financial Regulation; amending s. 570.48, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Division of Fruit and Vegetables; amending ss. 570.544 and 573.123, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Division of Consumer Services; repealing s. 581.199, F.S., relating to a prohibition on the use of trade secret information obtained under specified provisions for personal use or gain; amending ss. 601.10, 601.15, and 601.152, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Citrus; amending s. 601.76, F.S.; deleting provisions relating to a public records exemption for certain formulas filed with the Department of Agriculture; amending ss. 607.0505 and 617.0503, F.S.; deleting provisions relating to public records exemptions for certain information that might reveal trade secrets held by the Department of Legal Affairs; amending s. 624.307, F.S.; authorizing the Office of Insurance Regulation to report certain information on an aggregate basis; amending s. 624.315, F.S.; authorizing the Office of Insurance Regulation to make certain information available on an aggregate basis; amending s. 624.4212, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Office of Insurance Regulation; revising a cross-reference; repealing s. 624.4213, F.S., relating to trade secret documents submitted to the Department of Financial Services or the Office of Insurance Regulation; amending ss. 626.84195 and 626.884, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Office of Insurance Regulation; amending s. 626.9936, F.S.; revising provisions relating to a public records exemption for trade secrets held by the Office of Insurance Regulation; amending ss. 627.0628 and 627.3518, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Department of Financial Services or the Office of Insurance Regulation; amending s. 655.057, F.S.; revising provisions relating to a public records exemption for trade secrets held by the Office of Financial Regulation; repealing s. 655.0591, F.S., relating to trade secret documents held by the Office of Financial Regulation; amending s. 663.533, F.S.; revising a cross-reference; repealing s. 721.071, F.S., relating to trade secret material filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 815.04, F.S.; deleting a public records exemption for certain trade secret

information relating to offenses against intellectual property; repealing s. 815.045, F.S., relating to trade secret information; amending s. 1004.22, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade secrets received, generated, ascertained, or discovered during the course of research conducted within the state universities; amending s. 1004.30, F.S.; revising provisions relating to public records exemptions for trade secrets held by state university health support organizations; amending s. 1004.43, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade secrets held by the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.4472, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade secrets held by the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.78, F.S.; deleting provisions relating to public records exemptions for trade secrets and potential trade secrets held by the technology transfers centers at Florida College System institutions; amending s. 601.80, F.S.; correcting a cross-reference; amending ss. 663.533, 721.13, and 921.0022, F.S.; conforming provisions to changes made by the act; providing a contingent effective date.

—was read the second time by title.

Representative Massullo offered the following:

(Amendment Bar Code: 795813)

**Amendment 1**—Remove line 253 and insert:  
addendum thereto if the contract or agreement, or the addendum thereto, includes a provision requiring the agency or an entity subject to this chapter to expend funds.

Rep. Massullo moved the adoption of the amendment, which was adopted.

Representative Massullo offered the following:

(Amendment Bar Code: 435049)

**Amendment 2 (with title amendment)**—Remove line 2248 and insert:  
trade secrets as defined in s. 688.01, business transactions, or proprietary information

#### TITLE AMENDMENT

Remove line 227 and insert:  
revising provisions relating to public records

Rep. Massullo moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 461**—A bill to be entitled An act relating to public records; creating s. 688.01, F.S.; providing definitions; providing an exemption from public record requirements for a trade secret held by an agency; providing notice requirements; providing a process for responding to public record requests; providing an exception to the exemption; providing that an agency employee is not liable for the release of records in compliance with the act; providing applicability; providing for future legislative review and repeal of the exemption; amending ss. 688.001 and 688.006, F.S.; conforming cross-references; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 935**—A bill to be entitled An act relating to mortgage lending; amending s. 494.001, F.S.; revising the definition of the term "mortgage loan"; amending s. 494.00115, F.S.; providing a definition for the term "hold himself or herself out to the public as being in the mortgage lending business"; providing an effective date.

—was read the second time by title.

Representative Nuñez offered the following:

(Amendment Bar Code: 316819)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Present subsections (4) through (37) of section 494.001, Florida Statutes, are redesignated as subsections (5) through (38), respectively, and a new subsection (4) is added to that section, to read:

494.001 Definitions.—As used in this chapter, the term:

(4) "Business purpose loan" means a mortgage loan, the proceeds of which the borrower intends to use primarily for a business purpose and not primarily for a personal, family, or household purpose. In determining if the loan is for a business purpose, a person must refer to the official interpretation by the Consumer Financial Protection Bureau of 12 C.F.R. s. 1026.3(a).

Section 2. Subsection (4) is added to section 494.00115, Florida Statutes, to read:

494.00115 Exemptions.—

(4) As used in this section, the term "hold himself or herself out to the public as being in the mortgage lending business" includes any of the following:

(a) Representing to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or promotional items, by any method, that such individual can or will perform the activities described in s. 494.001(24).

(b) Soliciting in a manner that would lead the intended audience to reasonably believe that such individual is in the business of performing the activities described in s. 494.001(24).

(c) Maintaining a commercial business establishment at which, or premises from which, such individual regularly performs the activities described in s. 494.001(24) or regularly meets with current or prospective mortgage borrowers.

(d) Advertising, soliciting, or conducting business through the use of a name, trademark, service mark, trade name, Internet address, or logo that indicates or reasonably implies that the business being advertised, solicited, or conducted is of the kind or character of business transacted or conducted by a licensed mortgage lender or is likely to lead any person to believe that such business is that of a licensed mortgage lender.

Section 3. Subsection (4) of section 494.0025, Florida Statutes, is amended to read:

494.0025 Prohibited practices.—It is unlawful for any person:

(4) In any practice or transaction or course of business relating to the sale, purchase, negotiation, promotion, advertisement, or hypothecation of mortgage loan transactions, directly or indirectly:

(a) To knowingly or willingly employ any device, scheme, or artifice to defraud;

(b) To engage in any transaction, practice, or course of business which operates as a fraud upon any person in connection with the purchase or sale of any mortgage loan; or

(c) To obtain property by fraud, willful misrepresentation of a future act, or false promise; or

(d) To misrepresent a residential mortgage loan, as described in s. 494.001(25)(a), as a business purpose loan.

Section 4. For the purpose of incorporating the amendment made by this act to section 494.0025, Florida Statutes, in a reference thereto, section 494.0018, Florida Statutes, is reenacted to read:

494.0018 Penalties.—

(1) Whoever knowingly violates any provision of s. 494.0025(1)(a), (b), or (c) or s. 494.0025(1), (2), (3), (4), or (5), except as provided in subsection (2) of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each such violation constitutes a separate offense.

(2) Any person who violates any provision of this chapter, in which the total value of money and property unlawfully obtained exceeds \$50,000 and there are five or more victims, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. This act shall take effect July 1, 2019.

#### TITLE AMENDMENT

Remove everything before the enacting clause and insert:

An act to be entitled

An act relating to mortgage regulation; amending s. 494.001, F.S.; defining the term "business purpose loan"; amending s. 494.00115, F.S.; defining the term "hold himself or herself out to the public as being in the mortgage lending business"; amending s. 494.0025, F.S.; prohibiting the misrepresentation of a residential mortgage loan as a business purpose loan; reenacting s. 494.0018, F.S., relating to penalties, to incorporate the amendment made to s. 494.0025, F.S., in a reference thereto; providing an effective date.

Rep. Nuñez moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 953**—A bill to be entitled An act relating to consumer report security freezes; amending s. 501.005, F.S.; prohibiting a consumer reporting agency from charging any fee to a consumer for placing, removing, or temporarily lifting a security freeze on his or her consumer report; amending s. 501.0051, F.S.; prohibiting a consumer reporting agency from charging any fee to the representative of a protected consumer for placing, removing, or temporarily lifting a security freeze on the protected consumer's consumer report; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 875**—A bill to be entitled An act relating to limitations of actions other than for the recovery of real property; amending s. 95.11, F.S.; authorizing the commencement, within a specified timeframe, of counterclaims, cross-claims, and third-party claims after the pleading to which such claims relate; specifying that certain corrections and repairs do not extend the period of time within which an action must be commenced; providing applicability; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 547**—A bill to be entitled An act relating to reports concerning seized or forfeited property; amending s. 932.7061, F.S.; revising the deadline for an annual report by law enforcement agencies concerning property seized or forfeited under the Florida Contraband Forfeiture Act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 639**—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; redefining the term "marital assets and liabilities" for purposes of equitable distribution in dissolution of marriage actions; providing that the term includes the paydown of principal of notes and mortgages secured by nonmarital real property and certain passive appreciation in such property under certain circumstances; providing formulas and guidelines for determining the amount of such passive appreciation; authorizing the court to require security and interest when installment payments are ordered in the division of assets; providing applicability; providing an effective date.

—was read the second time by title.

Representative Perez offered the following:

(Amendment Bar Code: 479379)

**Amendment 1**—Remove line 40 and insert:  
the value of the property on the date of the marriage or

Rep. Perez moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 1217**—A bill to be entitled An act relating to deployed parent custody and visitation; creating part IV of ch. 61, F.S., entitled "Uniform Deployed Parents Custody and Visitation Act"; providing definitions; providing remedies for noncompliance; authorizing a court to issue certain custodial orders only under certain jurisdiction; providing notice requirements; providing requirements for proceeding for custodial responsibility of a child of a servicemember; providing requirements for agreement forms, termination, modification, power of attorney, and filing; providing requirements for temporary orders of custodial responsibility; authorizing telephonic, electronic, and web-based appearance, testimony, and evidence in a proceeding for temporary custody; providing for the effect of any prior judicial order or agreement; authorizing a court to grant caretaking authority or limited contact to a nonparent under certain conditions; providing for the termination of a grant of authority; providing requirements for an order of temporary custody; authorizing a court to enter a temporary order for child support under certain circumstances; authorizing a court to modify or terminate a temporary grant of custodial responsibility; providing procedures for termination of a temporary custodial responsibility agreement; providing for visitation; providing construction; providing applicability; repealing s. 61.13002, F.S., relating to temporary time-sharing modification and child support modification due to military service; providing an effective date.

—was read the second time by title.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Metz offered the following:

(Amendment Bar Code: 334303)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Part IV of chapter 61, Florida Statutes, consisting of sections 61.703-61.773, Florida Statutes, is created and entitled "Uniform Deployed Parents Custody and Visitation Act."

61.703 Definitions.—As used in this part:

(1) "Adult" means an individual who has attained 18 years of age or who has had the disability of nonage removed under chapter 743.

(2) "Caretaking authority" means the right to live with and care for a child on a day-to-day basis. The term includes physical custody, parenting time, right to access, and visitation.

(3) "Child" means:

(a) An individual who has not attained 18 years of age and who has not had the disability of nonage removed under chapter 743; or

(b) An adult son or daughter by birth or adoption, or designated by general law, who is the subject of a court order concerning custodial responsibility.

(4) "Close and substantial relationship" means a positive relationship of substantial duration and depth in which a significant emotional bond exists between a child and a nonparent.

(5) "Court" means the court of legal jurisdiction.

(6) "Custodial responsibility" includes all powers and duties relating to caretaking authority and decisionmaking authority for a child. The term includes physical custody, legal custody, parenting time, right to access, visitation, and authority to grant limited contact with a child.

(7) "Decisionmaking authority" means the power to make important decisions regarding a child, including decisions regarding the child's education, religious training, health care, extracurricular activities, and travel. The term does not include the power to make decisions that necessarily accompany a grant of caretaking authority.

(8) "Deploying parent" means a servicemember who is deployed or has been notified of impending deployment and is:

(a) A parent of a child; or

(b) An individual who has custodial responsibility for a child.

(9) "Deployment" means the movement or mobilization of a servicemember for more than 90 days but less than 18 months pursuant to uniformed service orders that:

(a) Are designated as unaccompanied;

(b) Do not authorize dependent travel; or

(c) Otherwise do not permit the movement of family members to the location to which the servicemember is deployed.

(10) "Family member" means a sibling, aunt, uncle, cousin, stepparent, or grandparent of a child or an individual recognized by the deploying parent and the other parent to be in a familial relationship with a child.

(11) "Limited contact" means the authority of a nonparent to visit a child for a limited time. The term includes authority to take the child to a place other than the child's residence.

(12) "Nonparent" means an individual other than a deploying parent or other parent.

(13) "Notice of deployment" means official notification to a servicemember, through orders or other written or electronic communication, that the servicemember is subject to deployment on or about a specified date.

(14) "Other parent" means an individual who, in addition to a deploying parent, is:

(a) A parent of a child; or

(b) An individual who has custodial responsibility for a child.

(15) "Record" means information that is created in a tangible medium or stored in an electronic or other medium and is retrievable in perceivable form.

(16) "Return from deployment" means the conclusion of a servicemember's deployment as specified in uniformed service orders.

(17) "Servicemember" means a member of a uniformed service.

(18) "Sign" means, with the intent to authenticate or adopt a record, to:

(a) Execute or adopt a tangible symbol; or

(b) Attach to or logically associate with the record an electronic symbol, sound, or process.

(19) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(20) "Uniformed service" means any of the following:

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

(b) The United States Merchant Marine.

(c) The commissioned corps of the United States Public Health Service.

(d) The commissioned corps of the National Oceanic and Atmospheric Administration.

(e) The National Guard of a state or territory of the United States, Puerto Rico, or the District of Columbia.

61.705 Remedies for noncompliance.—In addition to other remedies authorized by general law, if a court finds that a party to a proceeding acts in bad faith or intentionally fails to comply with this part or a court order issued under this part, the court may assess any remedies under this chapter against the party, and order other appropriate relief under general law.

61.707 Jurisdiction.—

(1) A court may issue an order regarding custodial responsibility only if the court has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

(2) For purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the residence of the deploying parent does not change by reason of the deployment if:

(a) A court has issued a temporary order regarding custodial responsibility.

(b) A court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement.

(c) A court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment.

(3) This section does not prevent a court from exercising temporary emergency jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

61.709 Notice requirement for deploying parent.—

(1) Except as otherwise provided in subsection (3), and subject to subsection (2), a deploying parent shall notify in a record to the other parent:

(a) A pending deployment not later than 7 days after receiving notice of deployment unless he or she is reasonably prevented from doing so by the circumstances of service, in which case the deploying parent shall provide notice as soon as reasonably possible.

(b) A proposed plan fulfilling each parent's share of custodial responsibility during deployment provided as soon as reasonably possible after notice of deployment is given under paragraph (a).

(2) If a court order prohibits disclosure of the address or contact information of the other parent, notice pursuant to subsection (1) must be provided to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notice to the other parent. The court shall keep confidential the address or contact information of the other parent.

(3) Notice pursuant to subsection (1) is not required if both parents are living in the same residence and have actual notice of the deployment or plan.

(4) In a proceeding regarding custodial responsibility, a court may consider the reasonableness of a parent's efforts to comply with this section.

61.711 Duty to notify of change of address.—

(1) Except as otherwise provided in subsection (2), an individual granted custodial responsibility during deployment must notify the deploying parent and any other individual with custodial responsibility of a child of any change of mailing address or residence until the grant is terminated. The individual must provide the notice to any court that has issued a custody or child support order concerning the child.

(2) If a court order prohibits disclosure of the address or contact information of an individual to whom custodial responsibility has been granted, notice pursuant to subsection (1) must be provided to the issuing court. The court shall keep confidential the mailing address or residence of the individual granted custodial responsibility.

61.713 General consideration in custody proceeding of parent's service.—In a proceeding for custodial responsibility of a child of a servicemember, a court may not consider a parent's past deployment or possible future deployment in determining the best interest of the child.

61.721 Form of temporary custodial responsibility agreement.—

(1) The parents of a child may enter into a temporary agreement granting custodial responsibility during deployment.

(2) The agreement must be in writing and signed by both parents and any agreed upon nonparent granted custodial responsibility during deployment.

(3) Subject to subsection (4), the agreement, if feasible, must:

(a) To the extent permissible, identify the destination, duration, and conditions of the deployment that is the basis for the agreement.

(b) Specify the allocation of caretaking authority among the deploying parent, the other parent, and any agreed upon nonparent.

(c) Specify any decisionmaking authority that accompanies a grant of caretaking authority.

(d) Specify any grant of limited contact to an agreed upon nonparent.

(e) Provide a process to resolve any dispute that may arise if custodial responsibility is shared by the other parent and an agreed upon nonparent, or by other agreed upon nonparents.

(f) Specify the frequency, duration, and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent or agreed upon nonparent in facilitating the contact, and the allocation of any costs of contact.

(g) Specify contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available.

(h) Acknowledge that the agreement does not modify any existing child support obligation and that changing the terms of the obligation during deployment requires modification in the appropriate court.

(i) Provide that the agreement will terminate according to the procedures under this part after the deploying parent returns from deployment or as otherwise agreed upon in writing or in a record by the deploying parent and the other parent.

(j) Specify which parent is required to file the agreement if the agreement must be filed with the court pursuant to s. 61.729.

(4) The omission of any item in subsection (3) does not invalidate the agreement.

61.723 Nature of authority created by temporary custodial responsibility agreement.—

(1) An agreement granting custodial responsibility during deployment is temporary and terminates after the deploying parent returns from deployment unless the agreement has been terminated before that time by court order or modification under s. 61.725. The agreement does not in any way create an independent, continuing right to caretaking authority, decisionmaking authority, or limited contact for an individual granted custodial responsibility.

(2) An agreed upon nonparent granted temporary custodial responsibility or limited contact by agreement has standing only to enforce the agreement until it is terminated by a written agreement signed by both the deploying parent and the other parent, or, in the absence of such agreement, by court order or under s. 61.761, or modified under s. 61.725.

61.725 Modification of agreement.—

(1) The parents of a child may modify an agreement granting temporary custodial responsibility by mutual consent and without the consent of any nonparent.

(2) If an agreement is modified before deployment of a deploying parent, the modification must be in writing and signed by both parents and any nonparent granted temporary custodial responsibility under the modified agreement.

(3) If an agreement is modified during deployment of a deploying parent, the modification must be agreed to in a record by both parents and, if applicable, any agreed upon nonparent granted temporary custodial responsibility.

61.727 Power of attorney.—A deploying parent may, by power of attorney, grant all or part of custodial responsibility to an adult nonparent for the period of deployment if no other parent possesses custodial responsibility, or if a court order currently in effect prohibits contact between the child and the other parent. The deploying parent may revoke the power of attorney by signing a revocation of the power of attorney.

61.729 Filing custodial responsibility agreement or power of attorney with court.—An agreement or power of attorney must be filed within a reasonable time with a court that has entered an order in effect relating to custodial responsibility or child support concerning the child who is the subject of the agreement or power. The case number and heading of the pending case concerning custodial responsibility or child support must be provided to the court with the agreement or power.

61.733 Proceeding for temporary custody order.—

(1) After a deploying parent receives notice of deployment and until the deployment terminates, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, Title 50, Appendix U.S.C. ss. 501 et seq. A court may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.

(2)(a) At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in a pending proceeding for custodial responsibility in a court with jurisdiction under s. 61.707 or, if a pending proceeding does not exist in a court with jurisdiction under s. 61.707, the motion must be filed in a new action for granting custodial responsibility during deployment.

(b) If a motion to grant custodial responsibility is filed under paragraph (a) before a deploying parent deploys, the court shall conduct an expedited hearing.

61.735 Testimony by electronic means.—In a proceeding for a temporary custody order, a deploying parent or servicemember witness who is not

reasonably able to appear in person may appear, provide testimony, and present evidence by telephonic, electronic, or web-based means. The deploying parent or servicemember witness must be sworn in by an officer authorized to administer oaths under federal law.

61.737 Effect of prior judicial order or agreement.—In a proceeding for a temporary grant of custodial responsibility:

(1) A prior judicial order granting custodial responsibility in the event of deployment is binding on the court unless circumstances meet the requirements authorized by general law for modifying a judicial order regarding custodial responsibility.

(2) The court shall enforce a prior written agreement between the parents for granting custodial responsibility in the event of deployment, including an agreement for custodial responsibility during deployment, unless the court finds that the agreement is not in the best interest of the child.

61.739 Grant of temporary caretaking authority to nonparent.—

(1) Upon the motion of a deploying parent and in accordance with general law, if it is in the best interest of the child, a court may grant temporary caretaking authority to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. In the case of an adult with whom the child has a close and substantial relationship, the best interest of the child must be established by clear and convincing evidence.

(2) Unless a grant of caretaking authority to a nonparent is agreed to by the other parent, the grant is limited to an amount of time that may not exceed:

(a) The amount of time granted to the deploying parent under a permanent custody order; however, the court may add travel time necessary to transport the child; or

(b) In the absence of a permanent custody order that is currently in effect, the amount of time the deploying parent habitually cared for the child before being notified of deployment; however, the court may add travel time necessary to transport the child.

(3) If, due to the operational constraints of the deployment, or a portion thereof, the deploying parent is unable to exercise decisionmaking authority and if it is in the best interest of the child, a court may grant part of that authority to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship. In the case of an adult with whom the child has a close and substantial relationship, the best interest of the child must be established by clear and convincing evidence. A grant of decisionmaking authority to a nonparent must be narrowly drawn to the reasonably foreseeable needs of the child during the time that the deploying parent is unable to exercise such authority and must consider the role of the other parent. If a court grants the authority to a nonparent, the court shall specify the decisionmaking powers granted and the duration of such grant, which shall not exceed the length of time in which the deploying parent is unable to exercise decisionmaking authority. Except as otherwise specified in this subsection, the deploying parent retains his or her decisionmaking authority for the child during deployment.

61.741 Grant of limited contact.—A court shall grant limited contact to a nonparent who is a family member of the child or an individual with whom the child has a close and substantial relationship on motion of a deploying parent and in accordance with general law unless the court finds that limited contact with a nonparent would not be in the best interest of the child. In the case of an adult with whom the child has a close and substantial relationship, the best interest of the child must be established by clear and convincing evidence.

61.743 Nature of authority created by temporary custody order.—

(1) A grant of authority is temporary and terminates after the deploying parent returns from deployment unless the grant has been terminated before the return of the deploying parent by a written agreement signed by both the deploying parent and the other parent, or, in the absence of such an agreement, by court order. The grant does not create any independent, continuing right to caretaking authority, decisionmaking authority, or limited contact to an individual granted temporary custody.

(2) A nonparent granted temporary caretaking authority, decisionmaking authority, or limited contact has standing only to enforce the grant until it is terminated by a written agreement signed by both the deploying parent and the other parent, or, in the absence of such an agreement, by court order or under this part.

(3) If a grant of temporary authority is terminated by a written agreement signed by both the deploying parent and the other parent, a copy of the termination agreement shall be filed with the court and the temporary custody order shall be modified to reflect the termination. Thereafter, the deploying parent and the other parent may agree on alternative arrangements for custodial responsibility in compliance with s. 61.721 or either parent may seek an alternative arrangement for custodial responsibility under s. 61.749.

61.745 Content of temporary custody order.—An order granting custodial responsibility, when applicable, must:

(1) Designate the order as temporary and provide for termination after the deploying parent returns from deployment.

(2) Identify, to the extent feasible, the destination, duration, and conditions of the deployment.

(3) Specify the allocation of caretaking authority, decisionmaking authority, or limited contact among the deploying parent, the other parent, and any nonparent.

(4) Provide a process to resolve any dispute that may arise if the order divides caretaking or decisionmaking authority between individuals, or grants caretaking authority to one individual and limited contact to another individual.

(5) Provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless it is not in the best interest of the child, and allocate any costs of communication.

(6) Provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or otherwise available, unless it is not in the best interest of the child.

(7) Provide for reasonable contact between the deploying parent and the child after the parent's return from deployment until the temporary order is terminated, even if the time of contact exceeds the time the deploying parent spent with the child before entry of the temporary order.

61.747 Order for child support.—If a court has issued an order granting caretaking authority, or an agreement granting caretaking authority has been executed, the court may enter a temporary order for child support authorized by general law if the court has jurisdiction under the Uniform Interstate Family Support Act.

61.749 Modifying or terminating temporary grant of custodial responsibility or limited contact to nonparent.—

(1) Except for an agreement under s. 61.723, or as otherwise provided in subsection (2), and consistent with the Servicemembers Civil Relief Act, Title 50, Appendix U.S.C. ss. 501 et seq., a court may modify or terminate a temporary grant of custodial responsibility on motion of a deploying parent, other parent, or any nonparent granted caretaking authority if the modification or termination is consistent with this part and is in the best interest of the child. A modification is temporary and terminates after the deploying parent returns from deployment, unless the grant has been terminated before that time by court order.

(2) The court shall terminate a grant of limited contact on motion of a deploying parent.

61.761 Procedure for terminating temporary agreement granting custodial responsibility.—

(1) After a deploying parent returns from deployment, a deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility.

(2) After an agreement has been filed, it shall terminate:

(a) On the date specified on an agreement to terminate under subsection (1); or

(b) On the date the agreement is signed by the deploying parent and the other parent if the agreement to terminate does not specify a date.

(3) In the absence of an agreement to terminate under subsection (1), a temporary agreement granting custodial responsibility automatically terminates 30 days after the deploying parent gives notice of return from deployment to the other parent.

(4) If a temporary agreement granting custodial responsibility was filed with a court pursuant to s. 61.729, an agreement to terminate must be filed with the court within a reasonable time after the deploying parent and other parent sign the agreement. The case number and heading of the case

concerning custodial responsibility or child support must be provided to the court with the agreement to terminate.

(5) A proceeding seeking to prevent termination of a temporary order for custodial responsibility is governed by general law.

61.763 Visitation before termination of temporary grant of custodial responsibility.—From the time a deploying parent returns from deployment until a temporary agreement or order for custodial responsibility is terminated, the court shall issue a temporary order granting the deploying parent reasonable contact with the child even if the time of contact exceeds the time the deploying parent spent with the child before deployment unless it is not in the best interest of the child.

61.771 Relation to electronic signatures in Global and National Commerce Act.—This act modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s. 7001 et seq., but does not modify, limit, or supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or authorize electronic delivery of any of the notices described in s. 103(b) of that act, 15 U.S.C. s. 7003(b).

61.773 Applicability.—This act does not affect the validity of a temporary agreement or court order concerning custodial responsibility during deployment entered before July 1, 2018.

Section 2. Section 61.13002, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2018.

## TITLE AMENDMENT

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to deployed parent custody and visitation; creating part IV of ch. 61, F.S., entitled "Uniform Deployed Parents Custody and Visitation Act"; providing definitions; providing remedies for noncompliance; authorizing a court to issue certain custodial orders only under certain jurisdiction; providing notice requirements; providing requirements for a proceeding for custodial responsibility of a child of a servicemember; providing requirements for agreement forms, termination, modification, power of attorney, and filing; providing requirements for temporary orders granting custodial responsibility; authorizing telephonic, electronic, and web-based appearance, testimony, and evidence in a proceeding for temporary custody; requiring certain witnesses to be sworn in by specified officers; providing for the effect of any prior judicial order or agreement; authorizing a court to grant temporary caretaking authority or limited contact to certain nonparents under certain conditions; providing for the termination of a grant of authority; providing requirements for a temporary custody order; authorizing a court to enter a temporary order for child support and modify or terminate a temporary grant of custodial responsibility under certain circumstances; providing procedures for terminating a temporary custodial responsibility agreement; providing for visitation before such termination; providing construction; providing applicability; repealing s. 61.13002, F.S., relating to temporary time-sharing modification and child support modification due to military service; providing an effective date.

Rep. Metz moved the adoption of the amendment.

Representative Metz offered the following:

(Amendment Bar Code: 748139)

**Amendment 1 to Amendment 1**—Remove lines 296-337 of the amendment and insert:

who is not a family member with whom the child has a close and substantial relationship. In the case of an adult who is not a family member with whom the child has a close and substantial relationship, the best interest of the child must be established by clear and convincing evidence.

(2) Unless a grant of caretaking authority to a nonparent is agreed to by the other parent, the grant is limited to an amount of time that may not exceed:

(a) The amount of time granted to the deploying parent under a permanent custody order; however, the court may add travel time necessary to transport the child; or

(b) In the absence of a permanent custody order that is currently in effect, the amount of time the deploying parent habitually cared for the child before being notified of deployment; however, the court may add travel time necessary to transport the child.

(3) If, due to the operational constraints of the deployment, or a portion thereof, the deploying parent is unable to exercise decisionmaking authority and if it is in the best interest of the child, a court may grant part of that authority to a nonparent who is an adult family member of the child or an adult who is not a family member with whom the child has a close and substantial relationship. In the case of an adult who is not a family member with whom the child has a close and substantial relationship, the best interest of the child must be established by clear and convincing evidence. A grant of decisionmaking authority to a nonparent must be narrowly drawn to the reasonably foreseeable needs of the child during the time that the deploying parent is unable to exercise such authority and must consider the role of the other parent. If a court grants the authority to a nonparent, the court shall specify the decisionmaking powers granted and the duration of such grant, which shall not exceed the length of time in which the deploying parent is unable to exercise decisionmaking authority. Except as otherwise specified in this subsection, the deploying parent retains his or her decisionmaking authority for the child during deployment.

61.741 Grant of limited contact.—A court shall grant limited contact to a nonparent who is a family member of the child or an individual who is not a family member with whom the child has a close and substantial relationship on motion of a deploying parent and in accordance with general law unless the court finds that limited contact with a nonparent would not be in the best interest of the child. In the case of an adult who is not a family member with whom the child has a

Rep. Metz moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 7071**—A bill to be entitled An act relating to criminal justice data transparency; creating s. 900.05, F.S.; providing legislative intent; providing definitions; requiring specified entities to collect and transmit to the Department of Law Enforcement weekly specific data; requiring the Department of Law Enforcement to compile, maintain, and make publicly accessible the data; creating s. 943.687, F.S.; requiring the Department of Law Enforcement to collect, compile, maintain, and manage data collected pursuant to s. 900.05, F.S.; requiring the department to make data comparable, transferable, and readily usable; requiring an Internet-based database; providing requirements for data searchability and sharing; requiring monitoring of data collection procedures; providing for data archiving, editing, and retrieval; amending s. 921.0024, F.S.; requiring scoresheets prepared for all criminal defendants to be digitized; requiring the Department of Corrections to develop and submit revised digitized scoresheets to the Supreme Court for approval; requiring digitized scoresheets to include individual data cells for each field on the scoresheet; requiring the clerk of court to electronically transmit the digitized scoresheet used in each sentencing proceeding to the department; amending s. 907.043, F.S.; requiring each pretrial release program to include in its annual report the types of criminal charges of defendants accepted into a pretrial release program, the number of defendants accepted into a pretrial release program who paid a bail or bond, the number of defendants accepted into a pretrial release program with no prior criminal conviction, and the number of defendants for whom a pretrial risk assessment tool was used or was not; creating s. 945.041, F.S.; requiring the Department of Corrections to publish quarterly on its website inmate admissions based on offense type and recidivism rate; amending s. 20.315, F.S.; requiring the Department of Corrections to include information in its annual report on inmate admission based on offense type and recidivism rate; creating a pilot project in a

specified judicial circuit to improve criminal justice data transparency and ensure data submitted under s. 900.05, F.S., is accurate, valid, reliable, and structured; permitting a memorandum of understanding with a national, nonpartisan, not-for-profit foundation meeting certain criteria for the purpose of embedding a data fellow in the office or agency; establishing data fellow duties and responsibilities; providing for the expiration of the pilot project; providing appropriations; providing an effective date.

—was read the second time by title.

Representative Sprowls offered the following:

(Amendment Bar Code: 591041)

**Amendment 1 (with title amendment)**—Remove lines 58-720 and insert: **900.05 Criminal justice data collection.**

(1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of the Legislature to create a model of uniform criminal justice data collection by requiring local and state criminal justice agencies to report complete, accurate, and timely data, and making such data available to the public. The Legislature finds that it is an important state interest to implement a uniform data collection process and promote criminal justice data transparency.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Admission date" means the date a defendant was admitted to the Department of Corrections.

(b) "Admission type" means the underlying reason for which defendant is admitted to the Department of Corrections, including a new conviction, probation violation, probation violation based on a new offense, parole violation, or parole violation based on a new offense.

(c) "Annual felony caseload" means the yearly adult criminal felony caseload of each full-time state attorney and assistant state attorney or public defender and assistant public defender, based on the number of felony cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender or assistant public defender.

(d) "Annual misdemeanor caseload" means the yearly adult criminal misdemeanor caseload of each full-time state attorney and assistant state attorney or public defender and assistant public defender, based on the number of misdemeanor cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender or assistant public defender.

(e) "Arraignment date or initial appearance" means the date a defendant first appears before a judge to enter a plea.

(f) "Arrest date" means the date a defendant is taken into physical custody by a law enforcement agency on a criminal charge, a defendant is issued a notice to appear, or a charging document is filed by the state attorney's office.

(g) "Attorney assignment date" means the date a court-appointed attorney is assigned to the case or, if privately retained, the date an attorney files a notice of appearance with the clerk of court.

(h) "Attorney withdrawal date" means the date the court removes court-appointed counsel from a case or, for a privately retained attorney, the date a motion to withdraw is granted by the court.

(i) "Bail or bond hearing date" means the date a defendant appears in court for bail or bond determination.

(j) "Bail or bond modification date" means the date a hearing is held to consider a defendant's bail or bond conditions and the conditions are modified.

(k) "Bail or bond posting date" means the date a defendant posts bail or bond.

(l) "Bail or bond revocation" means the date a court revokes a defendant's bail or bond.

(m) "Bail or bond setting date" means the date a court confirms or orders bail or bond in a criminal case.

(n) "Booking date and reason" means the date a defendant is booked into a jail facility for a new charge, probation violation, pursuant to a bench warrant for pretrial release violation, or pursuant to a warrant from another jurisdiction.

(o) "Case number" means the identification number assigned by the clerk of court to a criminal case.



(p) "Case status" means whether a case is open, closed, reopened due to a probation violation, or inactive.

(q) "Cash bail or bond amount" means the monetary amount of bail or bond imposed by a court.

(r) "Cash bail or bond payment" means whether or not a defendant posted bail or bond.

(s) "Charge class severity" means the degree misdemeanor or felony for each charged offense.

(t) "Charge description" means the statement of the charge matched to the statutory section establishing the conduct as criminal.

(u) "Charge disposition date" means the date of final judgment, adjudication, adjudication withheld, dismissal, or nolle prosequi of each charge.

(v) "Charge modifier" means an aggravating circumstance of an alleged crime that enhances or modifies a charge to a more serious offense level.

(w) "Charge sequence number" means the unique numerical identifier for each charge in a case with multiple charges.

(x) "Charge statute" means the statute for each charge establishing the conduct as criminal.

(y) "Charge type" means whether the charge is a misdemeanor or felony.

(z) "Committing county" means the county from which defendant was transported to the Department of Corrections.

(aa) "Concurrent or consecutive sentence flag" means an indication that a defendant is serving another sentence concurrently or consecutively in addition to the current sentence.

(bb) "Court fees amount" means the amount of fees owed to the clerk of court at disposition of the case.

(cc) "Court fees amount balance or payment to date" means the amount a defendant paid towards outstanding court fees and the remaining balance owed.

(dd) "Current institution and institution security level" means the name of the institution where a defendant is currently incarcerated and the institution's security level.

(ee) "Daily cost of a jail bed" means the cost per diem, based on all sources of funding and costs associated with operations, for each inmate in a jail facility.

(ff) "Daily cost of a prison bed" means the cost per diem, based on all sources of funding and costs associated with operations, for each inmate in a state correctional institution.

(gg) "Daily cost per probationer" means the cost per diem for each individual serving probation with the Department of Corrections.

(hh) "Daily jail population" means the number of inmates incarcerated within a jail facility on each day.

(ii) "Daily jail postsentence population" means the number of inmates incarcerated within a jail facility on each day who have been sentenced and are either serving the sentence in jail or awaiting transportation to the Department of Corrections.

(ij) "Daily jail presentence population" means the number of inmates incarcerated within a jail facility on each day who entered a plea to charges or were found guilty at trial and are awaiting sentencing.

(kk) "Daily jail pretrial population" means the number of inmates incarcerated within a jail facility on each day awaiting case disposition.

(ll) "Daily number of correctional officers" means the number of full-time, part-time and auxiliary correctional officers who are actively providing supervision, protection, care, custody, and control of inmates working in a state correctional institution or jail facility each day.

(mm) "Daily number of federal and state inmates held in jail" means the number of inmates who are temporarily incarcerated within a jail facility.

(nn) "Daily prison population" means the number of inmates incarcerated in a state correctional institution on each day.

(oo) "Date of court appearance" means each date a criminal case is considered by a court.

(pp) "Date of failure to appear in court" means each date a criminal case was set to be heard by a court with required appearance by defendant and he or she failed to appear.

(qq) "Defense attorney type" means whether the attorney is a public defender, regional conflict counsel, or other counsel court-appointed for the

defendant; the attorney is privately retained by the defendant; or the defendant is represented pro se.

(rr) "Deferred prosecution or pretrial diversion hearing date or agreement date" means each date a hearing is held or a contract is signed by the parties regarding a defendant's admission into a deferred prosecution or pretrial diversion program.

(ss) "Disciplinary violation and action" means any inmate disciplinary conduct and the consequences of such conduct.

(tt) "Discovery motion date" means the date a defendant files a notice to participate in discovery.

(uu) "Dismissal motion date" means the date a defendant files a motion to dismiss charges.

(vv) "Dismissal motion hearing date" means the date a court considers a defendant's motion to dismiss charges.

(ww) "Disposition date" means the date on which all case activity is final.

(xx) "Domestic violence flag" means an indication that a charge involves domestic violence as defined in s. 741.28.

(yy) "Drug type for drug charge" means the type of drug specified in each drug charge against a defendant.

(zz) "Ethnicity" means a person's identification as Hispanic or Latino or not Hispanic or Latino.

(aaa) "Filing date" means the date a formal charge is filed against a defendant.

(bbb) "Fine amount" means the total fines imposed at case disposition.

(ccc) "Fine amount balance or payment to date" means the amount a defendant paid towards outstanding fines and the remaining balance owed.

(ddd) "Gang affiliation flag" means an indication that a defendant is involved in or associated with a criminal gang as defined in s. 874.03.

(eee) "Good conduct credit earned" means time an inmate earned for good behavior in a jail facility or state correctional institution and credited toward his or her sentence.

(fff) "Habitual offender flag" means an indication that a defendant is a habitual felony offender as defined in s. 775.084 or a habitual misdemeanor offender as defined in s. 775.0837.

(ggg) "Jail capacity" means the maximum number of inmates who can be incarcerated in a jail facility.

(hhh) "Judicial transfer date" means a date on which a defendant's case is transferred to another court or presiding judge.

(iii) "Length of probation sentence imposed" means the duration of probation ordered by a court.

(ijj) "Length of probation sentence served" means the amount of time on probation a defendant has served to date.

(kkk) "Nonmonetary condition of release" means a condition of a defendant's pretrial release imposed by the court that is not based on payment of bail or bond.

(lll) "Number of contract attorneys representing indigent defendants for the public defender's office" means the number of attorneys hired on a temporary basis, by contract, to represent indigent clients who were appointed a public defender.

(mmm) "Offense date" means the date that the alleged crime occurred.

(nnn) "Plea date" means the date a defendant enters a plea to a pending charge.

(ooo) "Presentence jail population at year-end" means the number of inmates incarcerated within a jail facility, at the end of the calendar year, who entered pleas or were found guilty at trial and are awaiting sentencing.

(ppp) "Pretrial release decision" means the date the court decides the issue of defendant's pretrial release from incarceration.

(qqq) "Pretrial release offender flag" means an indication that the defendant has violated the terms of his or her pretrial release.

(rrr) "Prior incarceration within the state" means any prior history of a defendant being incarcerated in a jail facility or state correctional institution.

(sss) "Postsentence jail population at year-end" means the number of inmates incarcerated within a jail facility, at the end of the calendar year, who have been sentenced and are either serving that sentence in the facility or awaiting transportation to the Department of Corrections.

(ttt) "Probation revocation" means any instance where a defendant's probation was revoked.

(uuu) "Projected discharge date" means the anticipated date an inmate will be released from incarceration.

(vvv) "Race" means a person's identification as American Indian or Alaskan Native, African-American or Black, Asian, Hawaiian or other Pacific Islander, White, or Other, which includes multi-racial individuals.

(www) "Restitution amount ordered" means the amount of money imposed by the court to compensate a victim of a defendant's criminal activity.

(xxx) "Sentence condition" means any requirement imposed by a court in addition to incarceration.

(yyy) "Sentence date" means the date a court enters a sentence against a defendant.

(zzz) "Sentence length" means the total duration of jail time, prison time, and probation a defendant is ordered to serve.

(aaa) "Sentence type" means capital punishment, incarceration, probation, or a combination thereof.

(bbb) "Sentencing scoresheet" means the digitized worksheet created under s. 921.0024 to compute the defendant's minimum sentence that may be imposed by the trial court.

(ccc) "Speedy trial motion date" means the date a defendant files a demand for speedy trial.

(ddd) "Speedy trial motion hearing date" means the date a court hears a defendant's demand for speedy trial.

(eee) "Sexual offender flag" means an indication that a defendant is a sexual offender as defined in s. 943.0435.

(fff) "Time served credit and length" means the amount of prior incarceration credited to an inmate's current sentence to reduce the amount of time remaining in the sentence.

(ggg) "Total jail population at year-end" means the number of inmates incarcerated within a jail facility at the end of the calendar year.

(hhh) "Trial date" means the date a defendant's case is set for trial, beginning with jury selection.

(3) DATA COLLECTION AND REPORTING—Beginning January 1, 2019, the following entities shall collect and transmit data weekly to the Department of Law Enforcement:

(a) Each clerk of court shall collect the following data for each criminal case:

1. Case number.
2. Offense date.
3. County in which the offense was committed.
4. Arrest date.
5. Filing date.
6. Arraignment date or initial appearance.
7. Attorney assignment date.
8. Attorney withdrawal date.
9. Case status.
10. Disposition date.
11. For each defendant:
  - a. Name.
- b. Date of birth.
- c. Age.
- d. Zip code of primary residence.
- e. Primary language.
- f. Race and ethnicity.
- g. Gender.
- h. Citizenship.
- i. Immigration status, if applicable.
- j. Whether the defendant is indigent under s. 27.52.
12. Any charge referred to the state attorney by law enforcement.
13. The following information on a formal charge filed against the defendant:
  - a. Charge sequence number.
  - b. Charge description.
  - c. Charge statute.
  - d. Charge type.
  - e. Charge class severity.
  - f. Charge modifier, if any.
  - g. Charge disposition.

h. Charge disposition date.

i. Drug type for drug charge, if known.

j. Domestic violence flag.

k. Gang affiliation flag.

l. Sexual offender flag.

m. Habitual offender flag.

14. Plea date.

15. The following information on bail or bond and pretrial release:

a. Pretrial release decision.

b. Nonmonetary condition of release.

c. Cash bail or bond amount.

d. Cash bail or bond payment.

e. Booking date and reason.

f. Date defendant is released on bail, bond, or pretrial release.

g. Bail or bond revocation due to a new offense, a failure to appear, or a violation of the terms of bail or bond.

h. Pretrial release offender flag.

16. The following pretrial dates:

a. Bail or bond hearing date.

b. Bail or bond setting date.

c. Bail or bond modification date.

d. Bail or bond posting date.

e. Deferred prosecution or pretrial diversion hearing date or agreement date.

17. The following court dates and dates of motions and appearances:

a. Date of court appearance.

b. Date of failure to appear in court.

c. Judicial transfer date.

d. Trial date.

e. Bail or bond motion date.

f. Discovery motion date.

g. Speedy trial motion date.

h. Speedy trial motion hearing date.

i. Dismissal motion date.

j. Dismissal motion hearing date.

18. Defense attorney type.

19. The following information related to sentencing:

a. Sentence date.

b. Sentence type.

c. Sentence length.

d. Sentence condition.

e. Time served credit and length.

f. Court fees amount.

g. Court fees amount balance or payment to date.

h. Fine amount.

i. Fine amount balance or payment to date.

j. Restitution amount ordered.

k. If restitution is ordered, the amount collected by the court and the amount paid to the victim.

19. The number of judges, magistrates, court commissioners, or their equivalents hearing nonappellant, adult criminal cases in the circuit.

(b) Each state attorney shall collect the following data:

1. For a human victim of a criminal offense:

a. Race and ethnicity.

b. Gender.

c. Age.

d. Relationship to the offender.

2. Number of full-time prosecutors.

3. Number of part-time prosecutors.

4. Annual felony caseload.

5. Annual misdemeanor caseload.

6. For each defendant:

a. Each charge referred to the office of the state attorney by law enforcement.

b. Drug type for each drug charge.

7. Number of cases in which no information was filed.

(c) Each public defender shall collect the following data for each criminal case:

1. Number of full-time public defenders.
2. Number of part-time public defenders.
3. Number of contract attorneys representing indigent defendants for the office of the public defender.

4. Annual felony caseload.
5. Annual misdemeanor caseload.

(d) The administrator of each county detention facility shall collect the following data:

1. Jail capacity.
2. Weekly admissions to jail for probation revocation.
3. Daily jail population.
4. Daily jail pretrial population.
5. Daily jail presentence population.
6. Daily jail postsentence population.
7. Daily number of federal and state inmates held in jail.
8. Total jail population at year-end.
9. Pretrial jail population at year-end.
10. Presentence jail population at year-end.
11. Postsentence jail population at year-end.
12. Number of federal and state inmates held in jail at year-end.
13. Daily cost of a jail bed.
14. Daily number of correctional officers.
15. Annual jail budget.
16. Revenue generated from the temporary incarceration of federal defendants or inmates.

17. For each inmate:
  - a. Booking date and reason.
  - b. Domestic violence flag.
  - c. Gang affiliation flag.
  - d. Habitual offender flag.
  - e. Pretrial release offender flag.
  - f. Sexual offender flag.

(e) The Department of Corrections shall collect:

1. For each prisoner:
  - a. The following data:
    - (I) Name.
    - (II) DOC number.
    - (III) Date of birth.
    - (IV) Race and ethnicity.
    - (V) Number of children.
    - (VI) Education level.
    - (VII) Admission date.
    - (VIII) Admission type.
    - (IX) Current institution and institution security level.
    - (X) Sexual offender flag.
    - (XI) Habitual offender flag.
    - (XII) Gang affiliation flag.
    - (XIII) Sentencing scoresheet.
    - (XIV) Committing county.
- (XV) Whether the reason for admission to the department is for a new conviction or a probation violation. For an admission for a probation violation, the department shall report whether the violation was technical, based on a new offense, or based on another term of probation.

b. Specific offense codes, including, for an inmate convicted of drug trafficking under s. 893.135, the offense code for each specific drug trafficked.

- c. Concurrent or consecutive sentence flag.
- d. Length of sentence or concurrent or consecutive sentences served.
- e. Projected discharge date.
- f. Time served, in days.
- g. Good conduct credit earned.
- h. Prior incarceration within the state.
- i. Disciplinary violation and action.
- j. Participation in rehabilitative or educational correctional programs.
2. The following information about each correctional facility:
  - a. Budget for each correctional institution.

b. Daily prison population.

c. Daily number of correctional officers.

d. Daily cost of a prison bed.

3. For probation and probationary services:

a. For each probationer:

(I) Name.

(II) Date of birth.

(III) Race and ethnicity.

(IV) Sex.

(V) Department-assigned case number.

b. Length of probation sentence imposed and length of probation sentence served.

c. Probation release date or projected release date.

d. Probation revocation due to a violation.

e. Probation revocation due to a new offense.

f. Daily cost per probationer.

(4) DATA PUBLICLY AVAILABLE—Beginning January 1, 2019, the department shall publish datasets in its possession in a modern, open, electronic format that is machine-readable and readily accessible by the public on the department's website. The published data shall be searchable, at a minimum, by each data element, county, circuit, and unique identifier. Beginning March 1, 2019, the department shall begin publishing the data received under subsection (3) in the same modern, open, electronic format that is machine-readable and readily accessible to the public on the department's website. The department shall publish all data received under subsection (3) no later than July 1, 2019.

Section 2. Section 943.687, Florida Statutes, is created to read:

943.687 Criminal justice data transparency.—In order to facilitate the availability of comparable and uniform criminal justice data, the department shall:

(1) Collect, compile, maintain, and manage the data submitted by local and state entities pursuant to s. 900.05 and coordinate related activities to collect and submit data. The department shall create a unique identifier for each criminal case received from the clerks of court which identifies the person who is the subject of the criminal case. The unique identifier must be the same for that person in any court case and used across local and state entities for all information related to that person at any time. The unique identifier shall be randomly created and may not include any portion of the person's social security number or date of birth.

(2) Promote criminal justice data sharing by making such data received under s. 900.05 comparable, transferable, and readily usable.

(3) Create and maintain an Internet-based database of criminal justice data received under s. 900.05 in a modern, open, electronic format that is machine-readable and readily accessible through an application program interface. The database shall allow the public to search, at a minimum, by each data element, county, judicial circuit, or unique identifier. The department may not require a license or charge a fee to access or receive information from the database.

(4) Develop written agreements with local, state, and federal agencies to facilitate criminal justice data sharing.

(5) Establish by rule:

(a) Requirements for the entities subject to the requirements of s. 900.05 to submit data through an application program interface.

(b) A data catalog defining data objects, describing data fields, and detailing the meaning of and options for each data element reported pursuant to s. 900.05.

(c) How data collected pursuant to s. 900.05 is compiled, processed, structured, used, or shared. The rule shall provide for tagging all information associated with each case number and unique identifier.

(d) Requirements for implementing and monitoring the Internet-based database under subsection (3).

(e) How information contained in the Internet-based database under subsection (3) is accessed by the public.

(6) Consult with local, state, and federal criminal justice agencies and other public and private users of the database under subsection (3) on the data elements collected under s. 900.05, the use of such data, and adding data elements to be collected.

(7) Monitor data collection procedures and test data quality to facilitate the dissemination of accurate, valid, reliable, and complete criminal justice data.

(8) Develop methods for archiving data, retrieving archived data, and data editing and verification.

Section 3. Subsections (3), (4), (5), (6), and (7) of section 921.0024, Florida Statutes, are amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(3) A single digitized scoresheet shall be prepared for each defendant to determine the permissible range for the sentence that the court may impose, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines or the code, separate digitized scoresheets must be prepared. The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. The state attorney shall prepare the digitized scoresheet or scoresheets, which must be presented to the defense counsel for review for accuracy in all cases unless the judge directs otherwise. The defendant's scoresheet or scoresheets must be approved and signed by the sentencing judge.

(4) The Department of Corrections, in consultation with the Office of the State Courts Administrator, state attorneys, and public defenders, must develop and submit the revised digitized Criminal Punishment Code scoresheet to the Supreme Court for approval by June 15 of each year, as necessary. The digitized scoresheet shall have individual, structured data cells for each data field on the scoresheet. Upon the Supreme Court's approval of the revised digitized scoresheet, the Department of Corrections shall produce and provide ~~sufficient copies of~~ the revised digitized scoresheets by September 30 of each year, as necessary. Digitized scoresheets must include individual data cells to indicate item entries for the scoresheet preparer's use in indicating whether any prison sentence imposed includes a mandatory minimum sentence or the sentence imposed was a downward departure from the lowest permissible sentence under the Criminal Punishment Code.

(5) The Department of Corrections shall make available ~~distribute sufficient copies of~~ the digitized Criminal Punishment Code scoresheets to those persons charged with the responsibility for preparing scoresheets.

(6) The clerk of the circuit court shall transmit a complete; and accurate digitized, and legible copy of the Criminal Punishment Code scoresheet used in each sentencing proceeding to the Department of Corrections. Scoresheets must be electronically transmitted no less frequently than weekly ~~monthly~~, by the first of each month, and may be sent collectively.

(7) A digitized sentencing scoresheet must be prepared for every defendant who is sentenced for a felony offense. ~~A copy of~~ The individual offender's digitized Criminal Punishment Code scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or any other rule pertaining to the preparation and submission of felony sentencing scoresheets, must be included with ~~attached to the copy of~~ the uniform judgment and sentence form provided to the Department of Corrections.

Section 4. Paragraph (b) of subsection (4) of section 907.043, Florida Statutes, is amended to read:

907.043 Pretrial release; citizens' right to know.—

(4)

(b) The annual report must contain, but need not be limited to:

1. The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.

2. The operating and capital budget of each pretrial release program receiving public funds.

3.a. The percentage of the pretrial release program's total budget representing receipt of public funds.

b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.

c. The amount of fees paid by defendants to the pretrial release program.

4. The number of persons employed by the pretrial release program.

5. The number of defendants assessed and interviewed for pretrial release.

6. The number of defendants recommended for pretrial release.

7. The number of defendants for whom the pretrial release program recommended against nonsecured release.

8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.

9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.

10. The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.

11. The number of defendants for whom a risk assessment tool was used in determining whether the defendant should be released pending the disposition of the case and the number of defendants for whom a risk assessment tool was not used.

12. The type of each criminal charge of a defendant accepted into a pretrial release program to include, at a minimum, the number of defendants charged with:

a. Dangerous crimes as defined in s. 907.041.

b. Nonviolent felonies.

c. Misdemeanors only.

13. The number of defendants accepted into a pretrial release program with no prior criminal conviction.

14.10. The name and case number of each person granted nonsecured release who:

a. Failed to attend a scheduled court appearance.

b. Was issued a warrant for failing to appear.

c. Was arrested for any offense while on release through the pretrial release program.

15.11. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

Section 5. Section 945.041, Florida Statutes, is created to read:

945.041 Department of Corrections reports.—The department shall publish on its website and make available to the public the following information, updated on a quarterly basis:

(1) Inmate admissions by offense type. Burglary of dwelling offenses under s. 810.02(2), (3)(a), and (3)(b) shall be reported as a separate category from all other property crimes.

(2) The recidivism rate, defined as rearrest, reconviction, reincarceration, and probation revocation in the state within a 3-year time period following release from incarceration.

Section 6. Subsection (5) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(5) ANNUAL REPORTING.—The department shall report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives recounting its activities and making recommendations for improvements to the performance of the department. The annual report shall include information published under s. 945.041.

Section 7. A pilot project is established in the Sixth Judicial Circuit for the purpose of improving criminal justice data transparency and ensuring data submitted under s. 900.05, Florida Statutes, is accurate, valid, reliable, and structured. The clerk of court, the state attorney, the public defender, or a sheriff in the circuit may enter into a memorandum of understanding with a national, nonpartisan, not-for-profit entity which provides data and measurement for county-level criminal justice systems to establish the duties and responsibilities of a data fellow, completely funded by the entity, to be embedded with the office or agency. The data fellow will assist with data extraction, validation, and quality and publish such data consistent with the terms of the memorandum. The data fellow will assist the office or agency in compiling and reporting data pursuant to s. 900.05, Florida Statutes, in compliance with rules established by the Department of Law Enforcement. The pilot project shall expire pursuant to the terms outlined in the memorandum.

Section 8. For the 2018-2019 fiscal year, nine full-time equivalent positions with an associated total salary rate of 476,163 are authorized and the recurring sum of \$665,884 and the nonrecurring sum of \$1,084,116 are appropriated from the General Revenue Fund to the Department of Law

Enforcement for the purposes of implementing ss. 900.05(4) and 943.687, Florida

#### TITLE AMENDMENT

Remove line 4 and insert:  
intent; declaring an important state interest; providing definitions; requiring specified

Rep. Sprowls moved the adoption of the amendment, which was adopted.

Representative Sprowls offered the following:

(Amendment Bar Code: 159639)

**Amendment 2**—Remove lines 342-395 and insert:

- g. Charge disposition date.
- h. Drug type for drug charge, if known.
- i. Domestic violence flag.
- j. Gang affiliation flag.
- k. Sexual offender flag.
- l. Habitual offender flag.
- 14. Plea date.
- 15. The following information on bail or bond and pretrial release:
  - a. Pretrial release decision.
  - b. Nonmonetary condition of release.
  - c. Cash bail or bond amount.
  - d. Cash bail or bond payment.
  - e. Booking date and reason.
  - f. Date defendant is released on bail, bond, or pretrial release.
  - g. Bail or bond revocation due to a new offense, a failure to appear, or a violation of the terms of bail or bond.
  - h. Pretrial release offender flag.
- 16. The following pretrial dates:
  - a. Bail or bond hearing date.
  - b. Bail or bond setting date.
  - c. Bail or bond modification date.
  - d. Bail or bond posting date.
  - e. Deferred prosecution or pretrial diversion hearing date or agreement date.
- 17. The following court dates and dates of motions and appearances:
  - a. Date of court appearance.
  - b. Date of failure to appear in court.
  - c. Judicial transfer date.
  - d. Trial date.
  - e. Bail or bond motion date.
  - f. Discovery motion date.
  - g. Speedy trial motion date.
  - h. Speedy trial motion hearing date.
  - i. Dismissal motion date.
  - j. Dismissal motion hearing date.
- 18. Defense attorney type.
- 19. The following information related to sentencing:
  - a. Sentence date.
  - b. Charge sentenced to, including charge sequence number, charge description, statute, type, and charge class severity.
  - c. Sentence type.
  - d. Sentence length.
  - e. Sentence condition.
  - f. Time served credit and length.
  - g. Court fees amount.
  - h. Court fees amount balance or payment to date.
  - i. Fine amount.
  - j. Fine amount balance or payment to date.
  - k. Restitution amount ordered.
  - l. If restitution is ordered, the amount collected by the court and the amount paid to the victim.

20. The number of judges, magistrates, court

Rep. Sprowls moved the adoption of the amendment, which was adopted.

Representative Sprowls offered the following:

(Amendment Bar Code: 777653)

**Amendment 3 (with title amendment)**—Between lines 512 and 513, insert:

(4) NONCOMPLIANCE.—Notwithstanding any other provision of law, an entity required to collect and transmit data under subsection (2) that does not comply with the requirements of this section is ineligible to receive funding from nonfederal grant programs receiving funding from the General Appropriations Act for a period of 5 years after the date of noncompliance.

#### TITLE AMENDMENT

Remove line 8 and insert:

and make publicly accessible the data; providing sanctions for noncompliance by an entity required to collect and transmit data; creating s.

Rep. Sprowls moved the adoption of the amendment.

Representative Sprowls offered the following:

(Amendment Bar Code: 957549)

**Substitute Amendment 3 (with title amendment)**—Between lines 512 and 513, insert:

(4) NONCOMPLIANCE.—Notwithstanding any other provision of law, an entity required to collect and transmit data under subsection (2)(a) or (2)(d) which does not comply with the requirements of this section is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the Department of Law Enforcement, or any other state agency for 5 years after the date of noncompliance.

#### TITLE AMENDMENT

Remove line 8 and insert:

and make publicly accessible the data; providing sanctions for noncompliance by an entity required to collect and transmit data; creating s.

Rep. Sprowls moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/CS/HB 1279**—A bill to be entitled An act relating to school district accountability; amending s. 11.45, F.S.; revising the duties of the Auditor General; amending s. 112.313, F.S.; prohibiting former appointed district school superintendents from conducting certain lobbying activities; amending s. 112.31455, F.S.; requiring the governing body of a district school board be notified if an officer or employee of the body owes a certain fine; requiring the governing body of a district school board to take specified actions under such circumstances; amending s. 1001.20, F.S.; requiring the Office of Inspector General to investigate certain allegations and reports made by specified individuals; amending s. 1001.39, F.S.; requiring certain district school board member travel outside of the school district to be preapproved and meet certain criteria; providing requirements for a school board member's request for travel outside of the state; providing an opportunity for the public to speak on such travel; amending s. 1001.395, F.S.; providing that certain requirements for the salaries of district school board members apply every fiscal year, rather than one specific fiscal year; amending s. 1001.42, F.S.; providing that the standards of ethical conduct apply to administrative personnel and school officers; authorizing district school board members to request and receive specified budget information; requiring employment of internal auditors in certain school districts; revising

provisions relating to the duties of such internal auditors; amending s. 1010.20, F.S.; requiring each school district to report certain expenditures to the Department of Education; providing department responsibilities; amending s. 1010.30, F.S.; requiring certain entities to provide an audit overview under certain circumstances; providing the contents of the overview; amending ss. 1011.01 and 1011.03, F.S.; conforming cross-references; amending s. 1011.035, F.S.; requiring each district school board to post on its website certain graphical representations and a link to a certain web-based tool on the department's website; providing requirements for such graphical representations; amending s. 1011.051, F.S.; requiring a district school board to limit certain expenditures by a specified amount if certain financial conditions exist for a specified period of time; requiring the department to contract with a third party to conduct an investigation under certain circumstances; providing requirements for such investigation; requiring the results of such investigation to include certain information and be provided to certain entities; amending s. 1011.06, F.S.; requiring each district school board to approve certain expenditures by amending its budget and provide a public explanation for such budget amendments; amending s. 1011.09, F.S.; providing certain expenditure limitations for a school district that meets specified criteria; amending s. 1011.10, F.S.; requiring certain school districts to withhold certain district school board member and school district superintendent salaries until certain conditions are met; amending s. 1011.60, F.S.; conforming cross-references; repealing s. 1011.64, F.S., relating to school district minimum classroom expenditure requirements; amending s. 1012.23, F.S.; prohibiting a school district superintendent and district school board from appointing or employing certain individuals in certain positions; providing an exception; requiring the Commission on Ethics to investigate alleged violations; amending s. 1002.395, F.S.; conforming a cross-reference; providing a contingent appropriation; providing an effective date.

—was read the second time by title.

Representative Sullivan offered the following:

(Amendment Bar Code: 235917)

**Amendment 1 (with title amendment)**—Remove line 280 and insert: scope of the internal auditor shall not be restricted and shall include every

#### TITLE AMENDMENT

Remove line 30 and insert:  
districts; revising provisions relating to the scope

Rep. Sullivan moved the adoption of the amendment, which was adopted.

Representative Asencio offered the following:

(Amendment Bar Code: 871173)

**Amendment 2 (with title amendment)**—Between lines 569 and 570, insert:

Section 21. Section 1006.149, Florida Statutes, is created to read:  
1006.149 School Safety Grant Program.—Subject to appropriation, there is established the School Safety Grant Program to be administered by the Department of Education.

(1) The department shall award grants to school districts to fund safe school infrastructure projects and meet school safety needs, including, but not limited to, employing law enforcement officers and mental health specialists and completing school hardening projects. The department shall establish a process for the application and award of grants.

(2) The State Board of Education may adopt rules to administer this section.

Section 22. For the 2018-2019 fiscal year,

the sum of \$78,131,839 in recurring funds from the General Revenue Fund is appropriated to the Department of Education to fund the School Safety Grant Program.

#### TITLE AMENDMENT

Remove line 71 and insert:

F.S.; conforming a cross-reference; creating s. 1006.149, F.S.; creating the School Safety Grant Program; providing the purpose of the program; providing for the administration of the program; authorizing the State Board of Education to adopt rules; providing an appropriation; providing a

Rep. Asencio moved the adoption of the amendment.

#### Point of Order

Rep. Rodrigues raised a point of order, under Rule 12.8(b)(3), that the amendment was not germane and expanded the scope of the bill.

The Chair [Speaker *pro tempore* Nuñez] referred the point to Rep. Oliva, Chair of the Rules & Policy Committee, for a recommendation.

Rep. Oliva, Chair of the Rules & Policy Committee, in speaking to the point of order on **Amendment 2 to CS/CS/CS/HB 1279**, stated that the amendment was not germane and recommended the point be well taken.

The Chair [Speaker *pro tempore* Nuñez], upon the recommendation of Rep. Oliva, Chair of the Rules & Policy Committee, ruled the point well taken and the amendment out of order.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 731**—A bill to be entitled An act relating to home education; amending s. 1002.41, F.S.; specifying that a home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with the state's attendance requirements; revising the content requirements of a notice of enrollment of a student in a home education program; requiring the district school superintendent to immediately register a home education program upon receipt of the notice; prohibiting a school district from requiring additional information or verification of a home education student except in specified circumstances; authorizing a school district to provide home education program students with access to certain courses and programs offered by the school district; requiring reporting and funding through the Florida Education Finance Program; requiring home education program students be provided access to certain certifications and assessments offered by the school district; prohibiting a school district from taking certain actions against a home education program student's parent unless such action is necessary for a school district program; amending s. 1003.21, F.S.; prohibiting a district school superintendent from requiring certain evidence relating to a child's age from children enrolling in specified schools and programs; amending s. 1003.26, F.S.; authorizing a school district superintendent to refer certain cases relating to student nonenrollment to the child study team of certain schools; requiring the child study team to provide specified services in such instances; conforming cross-references; amending s. 1003.27, F.S.; requiring a school and school district to comply with specified provisions before instituting criminal prosecution against certain parents relating to compulsory school attendance; amending s. 1006.15, F.S.; revising the standards required for a home education student to participate in extracurricular activities; amending s. 1007.271, F.S.; prohibiting the limitation of dual enrollment course enrollments under certain circumstances; prohibiting dual enrollment course and program limitations for home education students from exceeding limitations for other students; providing an exemption from the grade point average requirement for initial enrollment in a dual enrollment program for certain home education students; amending s. 1002.385, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Representative Sullivan offered the following:

(Amendment Bar Code: 454191)

**Amendment 1 (with title amendment)**—Remove lines 401-524 and insert:

Section 6. Subsections (3) and (13) and paragraph (b) of subsection (24) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(3) Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework. Student eligibility requirements for continued enrollment in college credit dual enrollment courses must include the maintenance of a 3.0 unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement established pursuant to subsection (21). Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution.

(13)(a) The dual enrollment program for a home education student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own ~~instructional materials and transportation~~ unless provided for in the articulation agreement.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution. Any course or program limitations may not exceed the limitations for other dually enrolled students.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students. A high school grade point average may not be required for home education students who meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework; however, home education student eligibility requirements for continued enrollment in dual enrollment courses

must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

3. The student's responsibilities for providing his or her own ~~instructional materials and~~ transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(24)

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.

~~6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.~~

Section 7. Paragraph (l) of subsection (5) and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(l) Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(f) ~~s. 1002.41(1)(e)~~, if this option is chosen for a home education student.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

- a. Requiring the student to take an assessment in accordance with paragraph (8)(c);
- b. Providing an annual evaluation in accordance with s. 1002.41(1)(f) or 1002.41(1)(e); or
- c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.
4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 8. Contingent upon CS/HB 7055 or similar legislation in the 2018 Regular Session of the Legislature or an extension thereof failing to become law, for the 2018-2019 fiscal year, the sum of \$550,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Education to be used by the Division of Florida Colleges to reimburse eligible colleges for the instructional materials pursuant to s. 1007.271(13), Florida Statutes.

#### T I T L E   A M E N D M E N T

Remove lines 43-50 and insert:

under certain circumstances; deleting a requirement for a home education student to provide his or her own instructional materials; revising the requirements for home education and private school articulation agreements; prohibiting dual enrollment course and program limitations for home education students from exceeding limitations for other students; providing an exemption from the grade point average requirement for initial enrollment in a dual enrollment program for certain home education students; amending s. 1002.385, F.S.; conforming cross-references; providing a contingent appropriation; providing an effective date.

Rep. Sullivan moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 7069**—A bill to be entitled An act relating to trust funds; re-creating the Florida ABLE Program Trust Fund within the State Board of Administration without modification; repealing s. 1009.988(3), F.S., relating to the Florida ABLE Program Trust Fund; abrogating provisions relating to the termination of the trust fund, to conform; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

#### Motion to Adjourn

Rep. Oliva moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 1:30 p.m., Wednesday, February 21, 2018, or upon call of the Chair. The motion was agreed to.

#### Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Porter:

Yeas—February 14: 588, 589, 590, 591, 592, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629

Nays—February 14: 593, 604

#### First-named Sponsor

HB 231—Stark

#### Cosponsors

HB 67—Russell

CS/CS/HB 139—Antone, Lee, C. Watson

CS/HR 157—Fant, Rodrigues

CS/CS/CS/HB 165—Plasencia

HB 191—C. Watson

HB 219—Asencio, Berman, Jacquet, Newton

HB 221—Brown, Newton

HB 231—Abruzzo, Asencio, Lee, Newton

HM 263—C. Watson

HB 393—C. Watson

CS/CS/HB 459—Slosberg

CS/HB 473—Gruters, Jenne

HM 475—C. Watson

HB 577—Massullo

HB 653—Willhite

HB 997—Brown, Mercado

HB 1051—Berman, Brown, Mercado

CS/HB 1057—Davis

HM 1329—C. Watson

CS/HB 1391—Harrell

HR 8049—Geller, Russell

#### Withdrawal as Cosponsor

HB 231—Stark

#### Introduction and Reference

By Representative **Gonzalez**—

**HR 8065**—A resolution recognizing the importance of awareness of meningococcal disease and all five dangerous strains of the disease, including meningococcal B.

First reading by publication (Art. III, s. 7, Florida Constitution).



## First Reading of Committee and Subcommittee Substitutes by Publication

By the Commerce Committee; Representatives **J. Grant** and **McClure**—

**CS/HB 6037**—A bill to be entitled An act relating to fireworks; repealing s. 791.015, F.S., relating to the registration of manufacturers, distributors, wholesalers, and retailers of sparklers; amending s. 791.02, F.S.; deleting provisions relating to the regulation of the sale or use of fireworks; deleting a requirement that only registered distributors, manufacturers, retailers, seasonal retailers, and wholesalers may sell fireworks or sparklers; amending ss. 791.01, 791.012, and 791.04, F.S.; conforming provisions to changes made by the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

### Reference

**HB 7087**—Referred to the Appropriations Committee.

**HB 7089**—Referred to the Appropriations Committee.

## House Resolutions Adopted by Publication

At the request of Rep. Berman—

**HR 8047**—A resolution designating March 2018 as "Colorectal Cancer Awareness Month" in the State of Florida.

WHEREAS, colorectal cancer is currently the second leading cause of cancer death among both men and women, and

WHEREAS, in 2018, approximately 140,250 people in the United States will be diagnosed with colorectal cancer, and about 50,630 people will die from the disease, and

WHEREAS, the average risk of developing colorectal cancer in one's lifetime is 5 percent, and this risk may increase according to age, family history, and ethnicity, and

WHEREAS, according to the Centers for Disease Control and Prevention's 2013 incidence report, Florida citizens were affected by colorectal cancer at a rate of 35.8 per 100,000, and the death rate was 13.4 per 100,000, and

WHEREAS, with early detection, the 5-year survival rate for colorectal cancer is approximately 90 percent, but even with regular screenings, only 4 out of 10 cases are detected sufficiently early, and factors including lack of awareness and inability to afford proper screenings often prevent detection, and

WHEREAS, if colorectal cancer is discovered in later stages when it has begun to spread to other organs, the survival rate is a mere 10 percent, but this survival figure could increase if adults over the age of 50 partook in regular screenings to discover the cancer in its earlier stages, and

WHEREAS, increasing awareness of and education about colorectal cancer leads to significant progress in both preventing and overcoming the disease, as the majority of cases have proven to be both treatable and survivable, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That March 2018 is designated as "Colorectal Cancer Awareness Month" in the State of Florida.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Smith—

**HR 8053**—A resolution congratulating the University of Central Florida Knights on their exemplary undefeated 2017 football season.

WHEREAS, the University of Central Florida (UCF) Knights football team won the 2017 American Athletic Conference Championship by defeating the Memphis Tigers 62-55 on December 2, 2017, and

WHEREAS, in 2017, the UCF Knights were the only National Collegiate Athletic Association (NCAA) Division 1 Football Bowl Subdivision team to finish undefeated, and

WHEREAS, on November 11, 2017, the Auburn Tigers, who were defeated by the UCF Knights, defeated the Georgia Bulldogs 40-17, and

WHEREAS, on November 25, 2017, the Auburn Tigers also defeated the Alabama Crimson Tide 26-14, and

WHEREAS, the 2018 College Football Playoff National Championship on January 8, 2018, featured the Alabama Crimson Tide and the Georgia Bulldogs, both of whom were defeated by the Auburn Tigers, and

WHEREAS, on January 1, 2018, the UCF Knights completed a flawless, undefeated football season by defeating the Auburn Tigers 34-27 in the Peach Bowl, and

WHEREAS, the UCF Knights were the only undefeated team in the 2017 football season to receive first place votes in the final Associated Press Top-25 poll, the most well-known and widely circulated poll among all NCAA national champion major selectors, and

WHEREAS, the UCF Knights finished the 2017 football season ranked as the number one team in Wes Colley's Bias Free Matrix Rankings, a mathematically based power rating which is recognized by the NCAA in its historical list of national champion major selectors, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the University of Central Florida Knights are congratulated on their exemplary undefeated 2017 football season.

—was read and adopted by publication pursuant to Rule 10.17.

## Reports of Standing Committees and Subcommittees

### Received February 20:

The Commerce Committee reported the following favorably:  
HB 6037 with committee substitute

The above committee substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.18(c). Under the rule, HB 6037 was laid on the table.

### Excused

Reps. Abruzzo, Altman, Moraitis, Moskowitz, Silvers

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 3:43 p.m., to reconvene at 1:30 p.m., Wednesday, February 21, 2018, or upon call of the Chair.

### Pages and Messengers for the week of February 19-23, 2018

Pages—Evana Arvanitis, Miami; Joana Arvanitis, Miami; Turner Beshears, Monticello; Whitney M. Bouk, Gulf Breeze; Brighton C. Burkhart, Fernandina Beach; Damon J. Donalds, Naples; Harrison C. Green, Tallahassee; Emma K. Hartley, Tallahassee; Taylor-Reese V. Howell, Marianna; Jackson T. Klein, Boca Raton; Alexandra J. Lynn, Pace; Peyton R. Naylor, Tallahassee; Miabella Nepola, Pembroke Pines; Amelia M. Ryan, Tallahassee; Emma A. Taylor, Panama City; Blair O. Trowski, New Port Richey; Alyssa F. Walpole, Okeechobee; Cayson Q. Young, Miramar.

Messengers—Ariana Arvanitis, Miami; Isabella G. Boggs, Tallahassee; Mikhail Budko, Melbourne; Makayla R. Enfort, Coral Springs; Jackson S. Green, Tallahassee; Tristen D. Hamilton, LaBelle; Maiya L. Ivy, Gainesville; Katelynn N. Joyner, Gulf Breeze; Juaneduardo Lorenzo, Miami; Victoria A.

Lue, Coral Springs; KenLee O. Milton, Brandon; Gabriel E. Pagan, Clermont; Catalina Ann Rios, Navarre; Janey Thorn, Tallahassee; Henry C. Vandegrift, Jacksonville.

## CHAMBER ACTIONS ON BILLS

Tuesday, February 20, 2018

CS/CS/HB	139 — Substituted SB 472; Laid on Table, refer to SB 472	CS/HB	1071 — Read 2nd time; Placed on 3rd reading
CS/HR	157 — Read 2nd time; CS adopted	CS/CS/HB	1081 — Read 2nd time; Amendment 971157 adopted; Amendment 601493 adopted; Placed on 3rd reading
CS/CS/HB	243 — Read 2nd time; Amendment 870071 adopted; Placed on 3rd reading	HB	1089 — Read 2nd time; Placed on 3rd reading
CS/CS/HB	459 — Read 2nd time; Amendment 795813 adopted; Amendment 435049 adopted; Placed on 3rd reading	HB	1093 — Read 2nd time; Placed on 3rd reading
CS/CS/HB	461 — Read 2nd time; Placed on 3rd reading	CS/CS/HB	1127 — Read 2nd time; Placed on 3rd reading
SB	472 — Substituted for CS/CS/HB 139; Read 2nd time; Read 3rd time; Passed; YEAS 111, NAYS 1	CS/CS/HB	1137 — Read 2nd time; Placed on 3rd reading
SB	498 — Substituted for HB 6057; Read 2nd time; Placed on 3rd reading	HB	1139 — Read 2nd time; Placed on 3rd reading
CS/HB	547 — Read 2nd time; Placed on 3rd reading	CS/HB	1141 — Read 2nd time; Placed on 3rd reading
HB	573 — Read 2nd time; Placed on 3rd reading	CS/CS/HB	1217 — Read 2nd time; Amendment 748139 adopted; Amendment 334303 adopted as amended; Placed on 3rd reading
HB	639 — Read 2nd time; Amendment 479379 adopted; Placed on 3rd reading	CS/HB	1239 — Read 2nd time; Placed on 3rd reading
CS/HB	703 — Read 2nd time; Placed on 3rd reading	CS/HB	1267 — Read 2nd time; Placed on 3rd reading
CS/CS/CS/HB	705 — Read 2nd time; Placed on 3rd reading	CS/CS/CS/HB	1279 — Read 2nd time; Amendment 235917 adopted; Placed on 3rd reading
CS/CS/HB	731 — Read 2nd time; Amendment 454191 adopted; Placed on 3rd reading	HB	6057 — Substituted SB 498; Laid on Table, refer to SB 498
CS/CS/HB	735 — Read 2nd time; Placed on 3rd reading	HB	7043 — Read 2nd time; Placed on 3rd reading
HB	839 — Read 2nd time; Placed on 3rd reading	HB	7051 — Read 2nd time; Placed on 3rd reading
HB	869 — Read 2nd time; Placed on 3rd reading	HB	7053 — Read 2nd time; Placed on 3rd reading
CS/CS/HB	875 — Read 2nd time; Placed on 3rd reading	CS/HB	7069 — Read 2nd time; Placed on 3rd reading
CS/HB	935 — Read 2nd time; Amendment 316819 adopted; Placed on 3rd reading	CS/HB	7071 — Read 2nd time; Amendment 591041 adopted; Amendment 159639 adopted; Amendment 957549 adopted; Placed on 3rd reading
HB	953 — Read 2nd time; Placed on 3rd reading	HB	7081 — Read 2nd time; Placed on 3rd reading
CS/HB	1055 — Read 2nd time; Placed on 3rd reading		

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